

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31018 of 2024

Arising Out of PS. Case No.-424 Year-2022 Thana- KESARIA District- East Champaran

Munna Kumar, Male aged about 19 years, Son of Chhote Lal Rai, Resident of
Village- Sundarapur Malahi Tola, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kesariya P.S. Case No. 424 of 2022 instituted for the offences
punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, one loaded katta with
0.315 bore live cartridge has been recovered from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. Nothing has been recovered
from the conscious possession of the petitioner. He next submits
that the petitioner is accused in two other cases. Petitioner is in
custody since 25.08.2022.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of



the learned Additional Sessions Judge-19, East Champaran, Motihari dated 21.02.2024, it appears that one loaded katta has been recovered from the possession of the petitioner, there is no any independent witness of the seizure list and the period of custody, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class Motihari, East Champaran, in connection with Kesariya P.S. Case No. 424 of 2022.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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