

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35794 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- KALYANPUR District- Samastipur

Mani Bhushan Kumar Son of Kishuni Mahto @ Kishun Mahto Resident of
Village - Karua, Ward No.- 17, Police Station - Chakmehsi, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kalyanpur P.S. Case No. 17 of 2024 instituted for the offences
punishable under Sections 399, 400, 402, 120(B) of the Indian
Penal Code and Section 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, one gun 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 only on the basis of
suspicion. He further submits that nothing incriminating has
been recovered from the conscious possession of the petitioner.



It is next submitted that co-accused have already granted bail *vide* order dated 26.04.2024 passed in Cr. Misc. No. 26322 of 2024, order dated 21.03.2024 passed in Cr. Misc. No. 18406 of 2024 and order dated 02.04.2024 passed in Cr. Misc. No. 22612 of 2024. Petitioner is in custody since 17.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Samastipur dated 23.02.2024, it appears that there is recovery of gun from the conscious possession of the petitioner but there is no any independent witness of the seizure list, 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 Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 17 of 2024.

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)

Mayank/-

U		T	
---	--	---	--

