

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37546 of 2024

Arising Out of PS. Case No.-970 Year-2023 Thana- SITAMARHI District- Sitamarhi

Om Kumar, aged about 27 years, Gender-Male, Son of Late Lalan Sah,
Resident of Village- Koat Bazar, Near Ganinath Mandir, Ward No. 17, P.S.-
Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Prem Kumar Jha, Advocate

**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
Sitamarhi P.S. Case No. 970 of 2023 instituted for the offences
punishable under Sections 25(1-AA), 25(1-B)a and 26 of the
Arms Act.

3. As per the prosecution case, one loaded country
made pistol with 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 due to dirty village politics.
Nothing has been recovered from his conscious possession of



the petitioner and the petitioner has no concern with the seized materials. There is no any chance of absconding or tampering with the evidence. Petitioner is in custody since 30.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-XIII, Sitamarhi dated 26.04.2024, it appears that one loaded country made pistol with live cartridge has been recovered from the possession of the petitioner but there is no any independent witness of seizure list and there is no chance of tampering with the evidence, 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 I/C Sitamarhi/Competent Jurisdiction in connection with Sitamarhi P.S. Case No. 970 of 2023.

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 further the petitioner shall be present before the trial Court till conclusion of proceeding of trial.

(Ramesh Chand Malviya, J)

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