

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48568 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- SITAMARHI District- Sitamarhi

Kartikey Singh S/o Vivek Ranjan R/o Mohalla-Gayatri Palace, Singh
Coloney, Ward No. 19, P.S.-Sitamarhi, District - Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Singh No. I, Advocate
For the Opposite Party : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-08-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing of the order dated 01.06.2024 passed by the learned Additional District & Sessions Judge-XIII, Sitamarhi in B.P. No.413 of 2024, by which the petitioner has been granted bail in connection with Sitamarhi P.S. Case No.413 of 2024 but he has been directed to be released after completing nine months of judicial custody.

3. As per the F.I.R., the petitioner and one Aman Kumar were apprehended by the Police. On search, one live cartridge was recovered from the possession of Aman Kumar. Nothing has been recovered from the possession of the petitioner but on his statement, one country made pistol loaded with live cartridge was recovered from a dilapidated school. Accordingly, the F.I.R. has been lodged.



4. It has been submitted by learned counsel for the petitioner that though the Court below has granted bail to the petitioner but it directed him to be released after completing nine months of judicial custody, which is in teeth of the order dated 12.07.2024 passed by the Hon'ble Supreme Court in ***Special Leave to Appeal (Crl.) No.8620 of 2024 (Jitendra Paswan vs. The State of Bihar)***.

5. I have considered the submission of the petitioner and perused the materials on record including the order of the Hon'ble Supreme Court rendered in the case of ***Jitendra Paswan vs. The State of Bihar*** (supra). I find substance in the submission of learned counsel for the petitioner that the direction of the Court below that the order granting bail to the petitioner will become operative after nine months of his judicial custody is in teeth of the law laid down by the Hon'ble Supreme Court.

6. In view of the aforesaid, the part of the impugned order dated 01.06.2024 passed by the learned Additional District & Sessions Judge to the extent of direction to release the petitioner after completing nine months of judicial custody is quashed.

7. Let the petitioner be released on bail



forthwith on his furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court below in connection with Sitamarhi P.S. Case No.195 of 2024. This is also subject to the condition that the petitioner shall mark his attendance in Sitamarhi Police Station on the first Sunday of each month. Any default in appearance at the Police Station would be result in cancellation of bail bonds of the petitioner.

8. With the aforesaid observations and directions, this application is allowed.

(Sandeep Kumar, J)

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