

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49682 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- Fekla District- Darbhanga

Nitesh Mandal @ Nitesh Kumar, aged about 21 years, Male, Son of Pallar Mandal @ Pallam Mandal @ Pallambhai Mandal, Resident of Village and P.O.- Kushothar, P.S.- Fekla, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shama Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 22-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Fekla P.S. Case No. 24 of 2024 instituted for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, a country made pistol and a mobile was recovered from the possession of Amarjeet Kumar and a mobile phone of Vivo company was recovered from the possession of Vishal Kumar and a Smart mobile phone of Vivo company was recovered from the possession of Mukesh Kumar and from the possession of Nitesh Mandal a mobile phone of Vivo Company Y 16, a pulsar motorcycle bearing registration no. BR07AH 2849 and cash of Rs. 9,500/- was



recovered from the accused persons.

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 local village politics. He further submits that there is no direct allegation of recovery of any arms or ammunition from the possession of the petitioner and the Bajaj Pulsar motorcycle belongs to the petitioner's mother. Petitioner has got no criminal antecedent as stated in para 3 of the petition and he is in custody since 25.05.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Sessions Judge, Darbhanga, dated 06.06.2024, it appears that there is no any recovery of arms and ammunition from the possession of the petitioner and the mobile phone which has been seized is his own mobile phone and the Bajaj Pulsar motorcycle bearing Registration No. BR 07AH 2849 belongs to the mother of the petitioner and 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 Judicial Magistrate-1st, Darbhanga in connection with Fekla P.S. Case No. 24 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)

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