

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61498 of 2023

Arising Out of PS. Case No.-360 Year-2023 Thana- CHHATAUNI District- East Champaran

1. Lalbabu Sah Son Of Late Jyoti Sah Resident Of Village- Mathia, Ward No. 06, Ps- Chhatauni, Distt- East Champaran
2. Deva @ Dev Kumar @ Dev Kumar Sah @ Deva Kumar Son Of Lalbabu Sah Resident Of Village- Mathia, Ward No. 06, Ps- Chhatauni, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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

ORAL ORDER

8 12-02-2024 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek regular bail in connection with Chhatauni P.S. Case No. 360 of 2023 registered for the offence under Sections 25(I-b)a, 26, 35 of the Arms Act and Section 120(B) of IPC.

3. It is a case of recovery of country made gun, two live cartridges and two mobile phones.

4. Learned counsel for the petitioners submits that the petitioners are innocent committed no offence and have falsely been implicated in the present case.

5. However, learned APP for the State vehemently



opposed the prayer for regular bail.

6. Having heard learned counsel for the parties, perused the F.I.R., seizure list and case diary, it appears that petitioner No. 1, namely, Lalbabu Sah has not possessed any arms or illegal article. There is no recovery made from the possession of petitioner No. 1. as such the petitioner No. 1, namely, Lalbabu Sah is directed to be released on bail *after framing of charge* on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chhatauni P.S. Case No. 360 of 2023.

7. So far petitioner No. 2, namely, Deva @ Dev Kumar @ Dev Kumar Sah @ Deva Kumar one country made pistol and two live cartridges were recovered from the possession of petitioner No. 2 and according to F.I.R. and paragraph 38 of the case diary total 8 criminal cases were registered against him which are serious in nature, so I am not inclined to grant regular bail to petitioner No. 2.

8. The prayer is, accordingly, rejected so far petitioner No. 2 is concerned.

9. Learned trial Court is directed to conclude the trial within a year. If the trial is not concluded within one year the



petitioner shall be at liberty to renew his prayer after one year.

(Ramesh Chand Malviya, J)

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