

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74898 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- BAHERA District- Darbhanga

Rajan Kumar @ Chhotu @ Rajan Kumar Jha @ Ranjan Kumar, aged about 40 years, Male Son of Ashok Jha, Resident of Village- Rasiyari P.S.- Ghanshyampur District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bahera PS Case No. 138 of 2022 instituted for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, one country made pistol, five live cartridges, one motorcycle key and two mobile sets have 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 on the basis of suspicion. All witnesses in the seizure list is official witnesses and not independent witness.



5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, seizure list and the impugned order of the learned Additional Sessions Judge-I, Benipur, Darbhanga dated 13.10.2022, it appears that petitioner is named in the FIR and from his possession one country made pistol, five cartridges and two mobile sets have been recovered from the conscious possession of the petitioner. Similarly situated co-accused have also been granted bail by the trial Court. Petitioner is in custody since 08.04.2022, in this circumstances especially the period of custody, 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 Sub Divisional Judicial Magistrate, Benipur, Darbhanga in connection with Bahera PS Case No. 138 of 2022.

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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