

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73810 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- NTPC District- Patna

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Vivek Kumar @ Hagga, Male aged about 19 years, Son of Gendu Singh,
Resident of Village- Laxmipur, Police Station- NTPC, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvnendra Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

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

ORAL ORDER

5 19-02-2024 Learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NTPC
PS Case No. 104 of 2023 instituted for the offences punishable
under Sections 353 and 307/34 of the Indian Penal Code and
Sections 25 (1-b) a, 26, 27 and 35 Arms Act.

3. As per the prosecution case, one country made
pistol and five live cartridges and one empty cartridge were
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. From perusal of the first
information report, seizure list and impugned order of the
learned Additional District and Sessions Judge-1st Barh, Patna
dated 02.09.2023, it appears that all witnesses of the seizure list



are official witness and not independent witness. Petitioner is in custody since 09.07.2023.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, 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 Additional Chief Judicial Magistrate-1st, Barh, Patna in connection with NTPC PS Case No. 104 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 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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