

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75540 of 2023

Arising Out of PS. Case No.-440 Year-2023 Thana- BUXAR District- Buxar

=====

Bharat Pandey, aged about 28 years, Male Son of Radhe Shyam Pandey,
Resident of Village- Basamanpur, P.S. Sikraul, District Buxar, At Present
Resident of Village- Veer Kuwar Singh Colony Buxar, P.S. Buxar (Town),
District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, 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 Buxar
(Town) PS Case No. 440 of 2023 instituted for the offences
punishable under Sections 25(1-b)a and 26 of the Arms Act.

3. As per the prosecution case, one country made
pistol has been recovered from the conscious 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. It is further submitted that
the police has taken a signature on a plane paper for lodging the



case and on the basis of said case he has been made accused.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, seizure list and impugned order of the learned Additional District and Sessions Judge-Vth, Buxar dated 27.09.2023, it appears that one country made pistol has been recovered from the conscious possession of the petitioner and the petitioner is named in the FIR. There is no any independent witness in the seizure list. Petitioner is in custody since 23.08.2023, 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 Chief Judicial Magistrate, Buxar in connection with Buxar (Town) PS Case No. 440 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)

Anand Kr.

U		T	
---	--	---	--

