

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83707 of 2023

Arising Out of PS. Case No.-377 Year-2023 Thana- GOPALPUR District- Bhagalpur

Abhimanyu Kumar @ Munna, aged about 35 years, Male, S/O Ramesh Mandal, R/O Village- Bochahi Thoker No. 3, P.S- Gopalpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

6 11-03-2024 The explanation has not been submitted to this Court vide order dated 22.02.2024 and Superintendent of Police, Bhagalpur is directed to submit an explanation within seven days with personal appearance otherwise adverse action shall be taken against him.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner seeks bail in connection with Gopalpur P.S. Case No.377 of 2023 registered for the offence under Sections 341, 323 and 307/34 and Sections 25(1-b)a, 26, 27 and 37 of the Arms Act.

4. As per the prosecution case, on 04.08.2023 wife of the informant and co-accused Versa Devi started quarreling Bhabho Savita Devi came to interfere. In the meantime,



petitioner and co-accused Ramesh Mandal came having fire arms. Petitioner fired upon Bhabho due to which, she sustained injury over her left thigh and co-accused Ramesh Mandal fired on the brother of the informant and petitioner was caught on spot with fire arms and co-accused escaped from the place of occurrence.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case. He next submits the prosecution case is maliciously false and concocted out of land dispute. He next submits that there is delay of filing of the FIR.

6. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

7. On perusal of the first information report, seizure list and also the case diary, it appears that one country made pistol with ten live cartridges were recovered from the possession of the petitioner. Accordingly, production-cum-seizure list prepared by Sub-Inspector of Gopalpur P. S. Campus, it appears that no signature of petitioner on the seizure list. According to injury report, one Savita Devi sustained injury over her left thigh and no repeated blow by the petitioner and he is in custody since 05.08.2023 and regarding



offence under Sections of the Arms Act, this fact attract the provision of the Section of Arms Act and in these circumstances, offence of Arms Act under Sections 25(1-b)a, 26, 27 and 37 is bailable.

8. Let the above named petitioner be released on bail ***after framing of the charge*** on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri A.Kumar, Judicial Magistrate, Ist Class, Naugachiya, Bhagalpur/concerned Court in connection with Gopalpur P.S. Case No.377 of 2023.

9. 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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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