

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8096 of 2024

Arising Out of PS. Case No.-823 Year-2023 Thana- KHAGARIA District- Khagaria

Ranjeet Yadav @ Arvind Yadav, Son of Late Kapildev Yadav, aged about 24 years, Gender-Male, Resident of Village and P.S. Sahebpur Kamal, District-Begusarai, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 03-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Khagaria Muffasil P.S. Case No. 823 of 2023 instituted for the offences punishable under Sections 25(1-b)a and 26 of the Indian Penal Code.

3. As per the prosecution case, there is recovery of 315 bore of 50 piece live cartridge and 7.65 bore 100 piece live cartridge total 150 piece live cartridge have been recovered from the accused persons.

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. He further submits that



during course of investigation nothing has been recovered from his conscious possession. There is nothing against the petitioner which could corroborate the FIR against the petitioner regarding this occurrence. Petitioner has not arrested at the spot. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 09.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-VI, Khagaria dated 17.10.2023, it appears that the petitioner is not arrested at the spot, nothing has been recovered from the conscious possession of the petitioner and the said recovery is from the other co-accused namely, Arvind Yadav. The name of the petitioner has been surfaced only on the basis of confessional statement of co-accused Arvind Yadav, 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, Khagaria in connection with Khagaria Muffasil P.S. Case No. 823 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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