

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5371 of 2024

Arising Out of PS. Case No.-61 Year-2023 Thana- LAURIA District- West Champaran

Khilesh Kumar @ Bal Kumar Prasad, aged about 25 years, Male Son of Sri Nagina Mahto @ Nagina Mahato Resident of Village - Chorahi Sirisia, P.S. - Jogapatti, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Lauriya PS Case No. 61 of 2023 instituted for the offences punishable under Section 399,402,413,414 of the Indian Penal Code and Sections 25 (1-B) a, 26 and 35 of the Arms Act, 1959.

3. As per the prosecution case, on 11.03.2023 at about 10:45 P.M. the informant received a secret information that about seven and eight culprits assembled in a garden near Balram Petrol Pump are planning to commit crime. The informant reached the said place along with some other police personnel but after seeing the light of police vehicle, all the



miscreants tried to escape. At the said place two accused persons namely Sonu Kumar and Sahajad Alam were apprehended from whose possession, a country made pistol, two live cartridge and mobile phones were recovered.

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 case diary, FIR, seizure list and the bail rejection order of the learned Additional Sessions Judge-VIII, Bettiah, West Champaran dated 12.12.2023, it appears that the petitioner's name confessed on the Statement of Co-accused Sonu Kumar and Sahajad Alam. Similarly situated co-accused persons namely Rajkapur Giri and Sahajad Alam have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 40638 of 2023 and Cr. Misc. No. 42356 of 2023 vide orders dated 28.07.2023 and 14.07.2023 respectively. Petitioner is in custody since 10.11.2023.

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-I, Bettiah at West Champaran in connection with Lauriya PS Case No. 61 of 2023.

7. However, the trial Court is directed to conclude the proceeding of *framing of charge* according to law within a period of one month from the date of receipt of this order.

(Ramesh Chand Malviya, J)

Anand Kr.

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

