

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5933 of 2024

Arising Out of PS. Case No.-435 Year-2023 Thana- PHULPARAS District- Madhubani

Manish Kumar Bharti, Male, aged about 22 years, S/O Dhansi Mandal
Village- Belhi, PS. Nadi (Police) Dist. Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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

ORAL ORDER

2 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Phulparas P.S. Case No. 435 of 2023 registered for an offence
punishable under Sections 399 and 402 of the Indian Penal Code
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution that on getting information
some miscreants are planning to commit some offence, raid was
laid and some miscreants were apprehended.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He submits
that the petitioner was standing beside the road side, in the
meantime, the police reached there and on suspicion arrested
him along with other co-accused and planted a concocted story



about recovery of arms and ammunition. He next submits that similarly situated co-accused has been granted bail by a Coordinate Bench of this Court passed in Cr. Misc. No. 75491 of 2023. Petitioner has got clean antecedent and he is in custody since 22.08.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the first information report and seizure list, it appears that one live cartridge was recovered from the possession of the petitioner and petitioner is in custody since 22.08.2023, let the above named petitioner be released on bail ***after framing of the chargesheet*** on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 435 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 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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