

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7156 of 2024

Arising Out of PS. Case No.-281 Year-2022 Thana- SINGHESHWAR District- Madhepura

Raj Kumar, male, aged about 29 years, Son of Upendar Das Resident of Village/Mohalla- Raybheer, P.S.-Shankarpur, Distt.-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahid Aqubal, Advocate.

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Singheshwar P.S Case No. 281 of 2022 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and 25(1-B)a, 26, 35 of Arms Act and 20(b)(ii)(B) of N.D.P.S. Act.

3. As per allegation in the FIR, when the informant along with his police team reached at the place of occurrence and caught one person whereas five persons were succeeded to flee. After asking the name of that caught person, he told his name as Amit Kumar Rai and on search 1200 gms of weeds (gaanja), one country made



pistol loaded with four bullets and 18 live bullets were found from his possession. After asking about the escaped person, he told their names as Anmol Yadav, Rupesh Yadav, Raj Kumar (petitioner) and Sanjeev Yadav.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that from bare perusal of the F.I.R, it is evident that the petitioner was not arrested from the place of occurrence. No incriminating article was found from the conscious possession of the petitioner. Petitioner has no concerned with the alleged occurrence or recovery. The similarly situated co-accused has already been granted bail by the Co-ordinate Bench of this Court vide order dated 24.07.2023 passed in Cr. Misc. No. 43627 of 2023. It is also submitted that petitioner is in judicial custody since 19.09.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts



and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge Court, Madhepura in connection with Singheshwar P.S Case No. 281 of 2022.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 the 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)

Nilmani/-

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