

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7166 of 2024

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAKIA District- East Champaran

Munna Kumar @ Munna Sah, aged about 35 years, male, S/O Late Maheshwar Sah @ Bhuneshwar Sah, R/O Village- Baidhyanathpur, Karnaul, P.S- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Md. Aslam Ansari, 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 Chakia P.S Case No. 213 of 2022 registered for the offences punishable under Section 395 of the Indian Penal Code.

3. As per allegation in the FIR, informant is the owner of a jewelry shop and on 25.05.2022 while the informant, his brothers and staffs were at shop, six miscreants entered into his shop and on gun point looted ornaments of gold and silver and cash of Rs. 60



thousand from the cash counter. It is further alleged that they opened fire upon the informant and his brother Sudhir Kumar as a result of which they received gun shot injury.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that petitioner is not named in the F.I.R. It is next submitted that the petitioner is in custody since 27.09.2023, but n o T.I.P. has been held. No incriminating article has been recovered from the possession of the petitioner. The similarly situated co-accused has already been granted bail by the co-ordinate Bench of this Court vide order dated 28.06.2023 passed in Cr. Misc. No. 20819 of 2023. It is also submitted that petitioner is in judicial custody since 27.09.2023.

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 C.J.M., East Champaran at Motihari in connection with Chakia P.S Case No. 213 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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