

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9082 of 2024

Arising Out of PS. Case No.-63 Year-2018 Thana- MEDNI CHAUKI District- Lakhisarai

1. Kamal Kishore Yadav, Male, aged about 54 years.
 2. Mahesh Yadav, Male, aged about 44 years.
- Both petitioner no. 1 and 2 are son of Late Rameshwar Yadav, Resident of Village- Katehar (Kurha), P.S. Surajgarha, District Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

3 15-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Mednichoki P.S. Case No. 63 of 2018 instituted for the offences punishable under Sections 379 and 414 of the Indian Penal Code and Sections 25(1-b)a of the Arms Act.

3. As per the prosecution case, some miscreants named in the FIR assembled with armed and weapon for selling electric wire, cylinder and cartridges at the place of occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case only on the basis of suspicion. Petitioners have not been arrested from the place of



occurrence and no any articles have been recovered from the conscious physical possession of the petitioners. Learned counsel for the petitioners further submits that chargesheet have already been framed in this case. Petitioners are in custody since 29.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-II, Lakhisarai dated 16.12.2023, it appears that petitioners are named in the FIR. The name of the petitioners have been surfaced only on the basis of suspicion from some villagers, accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Mednichoki P.S. Case No. 63 of 2018.

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 petitioners shall be released on



bail on above conditions and further the petitioners shall be present before the trial Court till conclusion of proceeding of trial.

(Ramesh Chand Malviya, J)

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