

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10378 of 2024

Arising Out of PS. Case No.-203 Year-2021 Thana- MOUZA HIDPUR District- Bhagalpur

Uttam Kumar Yadav @ Chamru @ Uttam Yadav @ Uttam Yadav Chamru,
Male, aged about 37 years, Son of Shivan Yadav @ Shivam Prasad Yadav @
Shivan Prasad Yadav Resident of Village -Hafiz Lane, Sikandarpur, P.S.-
Mojahidpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mojahidpur PS Case No. 203 of 2021 instituted for the offences
punishable under Section 394 of the Indian Penal Code and
Sections 25 (1-B)a, 26 (i) (ii) of the Arms Act.

3. As per the prosecution case, it is case of recovery
of some arms and also looted mobile and other items including
cash of Rs. 2,000/- from the informant.

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. It is further submitted that



no looted articles have been recovered from the conscious possession of the petitioner and no Test Identification Parade has been made till date.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned order of the learned 4th Additional District and Sessions Judge, Bhagalpur dated 29.07.2022, it appears that no recovery has been made from the conscious possession of the petitioner and his name surfaced from the confessional statement other co-accused. Similarly situated co-accused namely Suraj Kumar has been granted bail by the trial Court in B.P. No.1331 of 2021 as stated in para 2 and 3 of the impugned order. Petitioner is in custody since 30.07.2021, accordingly the prayer for bail of the petitioner is allowed. 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 A.C.J.M.-IX, Bhagalpur in connection with Mojahidpur PS Case No. 203 of 2021.

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 petitioner shall be released on bail on 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)

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