

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11704 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- DUMRA District- Sitamarhi

Nitesh Kumar, Aged about 19 years, Male, Son Of Muntun Prasad @ Muntun Prasad Kushawaha, Resident of Village-Olipur, Ward No. 11, P.S.- Mahindwara, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Dumra P.S. Case No. 377 of 2023 instituted for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, while the informant was at his mobile shop, two miscreants entered into his shop and looted cash Rs. 20,000/-, mobile with SIM and a bag containing cash Rs. 40,000/-, documents on point of pistol and on protest also fired on one Munna Kumar Thakur causing injury in his left arm.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of suspicion and confessional statement of co-accused namely, Prashant Kumar, which has no evidentiary value in the eye of law. Neither the petitioner is named in the F.I.R. nor any incriminating or looted article has been recovered from his possession. He has not been put on T.I.P. up till now. Similarly situated co-accused namely, Dinesh Mahto has already been granted bail by this Court vide order dated 22.03.2024 passed in Cr. Misc. No. 19592 of 20224. Petitioner has been remanded in this case on 06.10.2023 from Dumra P.S. Case No. 378 of 2023 and since then he is languishing in judicial custody.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. On perusal of the F.I.R., impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submission made on behalf of the petitioner, 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 Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 377 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 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. Further, petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Trial Court till conclusion of the trial.

(Ramesh Chand Malviya, J)

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