

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8950 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- NIRMALI District- Supaul

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Anish Kumar @ Anish Yadav S/O Sushil Yadav Village- Narayanpur, Ward
No. 05, P.S.- Nawhatta, District Saharsa Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks regular bail in connection with
Nirmali P.S. Case No. 167 of 2023 registered for the offence under
Section 394 of the IPC.

3. As per the prosecution case, the allegation against the
petitioner alongwith other co-accused persons is of looting a
motorcycle and a mobile phone.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the present
case. Nothing has been recovered from the conscious possession of
the petitioner. He further submits that the petitioner is not named in
the FIR and he is in custody since 22.08.2023. Similarly situated co-
accused persons, namely, Ghuran Kumar and Randhir Kumar have
already been granted bail by co-ordinate Benches of this Court in Cr.
Misc. Nos. 10086 of 2024 and 84846 of 2023 vide orders dated
20.02.2024 and 23.01.2024 respectively.



5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Considering the aforesaid facts and circumstances of the case and period of custody, 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 learned A.C.J.M. Birpur, District - Supaul in connection with Nirmali P.S. Case No. 167 of 2023.

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 trial of this case and if the petitioner remain absent on two consecutive dates without any cogent reason, the bail bonds of the petitioner shall be cancelled by the trial Court itself.

(Ramesh Chand Malviya, J)

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