

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.14303 of 2024**

Arising Out of PS. Case No.-313 Year-2023 Thana- GHORASAHAN District- East  
Champaran

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Pawan Kumar, aged about 20 years, Male Son of Upendra Sah, Resident of  
Village-Hasanpur, Bairiya, P.S.-Kundwa Chainpur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate  
For the Opposite Party/s : Mr. Nand Kishore Prasad, Advocate

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

**ORAL ORDER**

2      04-03-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Ghorasahan PS Case No. 313 of 2023 instituted for the offences  
punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, the allegation against  
the petitioner is to have committed loot of Rs. 64,700/- on the  
point of pistol.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent has committed no offence and has falsely  
been implicated in this case. Petitioner is not named in the FIR  
and on the confessional statement of co-accused Malkhan  
Singh, he has been implicated in this case. Neither he has been



arrested on the spot nor any incriminating articles have been recovered from the conscious possession of the petitioner. Petitioner is in custody since 31.07.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary and impugned order of the learned Sessions Judge, East Champaran, Motihari dated 21.12.2023, it appears that petitioner's name surfaced in the confessional statement of co-accused, nothing incriminating articles have been recovered from his conscious possession and similarly situated co-accused person namely, Raushan Kumar has been granted bail by a Bench of this Court in Cr. Misc. No. 13987 of 2024 vide order dated 01.03.2024, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Ghorasahan PS Case No. 313 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.

**(Ramesh Chand Malviya, J)**

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