

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10588 of 2024

Arising Out of PS. Case No.-327 Year-2022 Thana- KALYANPUR District- Samastipur

Rakesh Kumar @ Sankal Kushwaha, (M) aged about 28 years, S/O Late Ram Sakal Mahto, Resident of Village- Mathurapur, PS.- Mathurapur (O.P.), Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aprajita Singh, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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

ORAL ORDER

2 22-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No.-327 of 2022 registered for the offence under Section 392 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, three unknown persons on a motorcycle intercepted the informant on the way and on the point of pistol snatched the bag of the informant containing Rs.7,05,000/-.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is not named in the FIR and he has falsely been implicated in the present case. It has



further been submitted that nothing incriminating articles were recovered from the conscious physical possession of the petitioner. It is further submitted that similarly situated co-accused has already been granted regular bail a Co-ordinate Bench of this Court passed in Cr. Misc. No. 84725 of 2023 vide order dated 22.01.2024 and he is in custody since 28.06.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and alleged recovery has not been made from the conscious physical possession of this petitioner, let the petitioner, above named, is directed to be released on bail ***after framing of the charge*** in connection with Kalyanpur P.S. Case No.327 of 2022 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, District- Samastipur.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition



that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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