

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10479 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- SAHARGHAT District- Madhubani

Arun Kumar Sah @ Arun Sah, Aged about 27 years (Male), S/O Indradev Sah, R/O Village- Lalgadh, P.S.-Shyampur Bhatta, District- Shivhar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar, APP

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

ORAL ORDER

4 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saharghat P.S. Case No. 136 of 2023 instituted for the offences punishable under Sections 395, 397 and 398 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 / 4 of the Explosive Substance Act.

3. As per the prosecution case, the informant states that he along with members of his family having gone to sleep, he woke up on hearing some sound. On going to his terrace, he found 40-50 accused persons variously armed. Information was given to the police station, however in the meantime the accused persons entered. They resorted to firing etc. and also assaulted



the informant's brother with an iron rod causing injuries to different persons. A number of articles were stolen and taken away by the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Neither the petitioner is named in the F.I.R. nor he has been put on T.I.P. No any incriminating article has been recovered from the possession or house of the petitioner. He has been made accused in this case during course of investigation on the basis of confessional statement of co-accused Chandra Narayan Sah before the police. Petitioner has got no criminal antecedent as stated in para 3 of the petition. The other co-accused namely, Manoj Kumar Yadav @ Manoj Yadav has already been granted bail by this Court vide order dated 27.02.2024 passed in Cr. Misc. No. 12573 of 2024. Moreover, he is languishing in judicial custody since 19.10.2023.

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 Judicial Magistrate, Benipatti in connection with Saharghat P.S. Case No.136 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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