

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12158 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- TETERHAT District- Lakhisarai

Rohit Kumar, aged about 25 years, Gender-Male, Son of Shri Yadav, Resident
of Village- Ekrama, P.S.- Chebada, District- Shekhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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

ORAL ORDER

2 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Tetarhat PS Case No. 49 of 2023 instituted for the offences
punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, the allegation against
unknown miscreants is that they came on motorcycle and
snatched Rs. 4,300/- cash along with his mobile on the point of
pistol.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case merely on the basis of
suspicion. The petitioner is not named in the FIR rather his



name came into light in this case on the basis of confessional statement of other co-accused, namely, Vivek Kumar before the police which has got no evidentiary value in the eye of law. Neither any looted article has been recovered from his conscious possession nor he has been put on Test Identification Parade as yet. Moreover, he is in judicial custody since 04.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR seizure list, case diary and the impugned order of the learned Sessions Judge, Lakhisarai dated 15.01.2024, it appears that petitioner is not named in the FIR and on the basis of confessional statement of co-accused he has been implicated in this case on the basis of mere suspicion. Similarly situated co-accused persons on whose confession petitioner has been implicated has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 69125 of 2023 dated 01.11.2023, 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, Lakhisarai in connection



with Tetarhat PS Case No. 49 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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