

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12130 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- BIDUPUR District- Vaishali

Mithlesh Kumar @ Mithilesh Kumar, Male, aged about 22 years, Son of Ram Babu Ray @ Ram Babu Rai, Resident of Village- Govindpur Jharkaha, P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, 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 Bidupur PS Case No. 103 of 2023 instituted for the offences punishable under Section 394 of the Indian Penal Code.

3. As per the prosecution case, three miscreants on a bike intercepted the informant and his father were intercepted and robbed on the gun point and looted their motorcycle and mobile.

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. Petitioner is not named in the FIR and on the basis of confessional statement of the co-accused namely Sonu Kumar, he has been implicated in this



case. Nothing incriminating articles have been recovered from the conscious possession of the petitioner and till date no Test Identification Parade has been conducted. Petitioner is in custody since 19.05.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary and the impugned order of the learned Additional Sessions Judge-V, Vaishali at Hajipur dated 16.12.2023, it appears that petitioner is not named in the FIR and on the confessional statement of co-accused, Sonu Kumar, he has been arrested. There is no any recovery from the conscious possession of the petitioner and looted motorcycle and mobile has been recovered from other co-accused namely, Vikram Kumar and Vikash respectively, 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 Judicial Magistrate-1st Class, Vaishali at Hajipur in connection with Bidupur PS Case No. 103 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. If the petitioner does not appear on two consecutive dates without any sufficient cause the trial Court shall have the liberty to cancel the bail bond of the petitioner.

(Ramesh Chand Malviya, J)

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