

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12573 of 2024

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

Manoj Kumar Yadav @ Manoj Yadav Son of Sukdev Rai Resident of Village-
Olipur, P.S.- Belsand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Bhupendra Narayan Singh, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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

ORAL ORDER

2 27-02-2024 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner is in custody in connection with Saharghat P.S Case No. 136 of 2023 registered for the offences punishable under Sections 395, 397, 398 of the I.P.C, Section 27 of the Arms Act and Section 3 / 4 of the Explosive Substance Act.

3. As per 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 on 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 has falsely been implicated in this case. It is further submitted that petitioner is quite innocent and there is no specific allegation against the petitioner, only omnibus allegation has been made in the FIR. Petitioner has got no criminal antecedent as stated in para 3 of the petition. One of the co-accuse has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 22.02.2024 passed in Cr. Misc. No. 9760 of 2024. It is also submitted that petitioner is in judicial custody since 19.10.2023.



5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail ***after framing of the charge*** on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class Benipatti District Madhubani 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 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 the 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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