

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15337 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- BARAHAT District- Banka

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1. Chhotu Ray @ Gurudeo Kumar, Male, aged about 24 years, Son of Ganga Ray @ Ganga Sagar Ray.
 2. Guddu Ray, Male, aged about 21 years, Son of Gango Ray @ Ganga Sagar Ray.
- Both are residents of Village- Tetardiha, P.S.- Barahat, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Barahat PS Case No. 274 of 2023 instituted for the offences
punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and two
unknown miscreants committed loot of a Samsung mobile
phone and Rs. 8,700/- from the possession of the informant and
Rs. 13,200/- from the possession of Jai Krishan Kumar, on the
point of gun.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence and



have falsely been implicated in this case due to ulterior motive. He submits that the petitioners have neither arrested at the spot nor any incriminating articles have been recovered from their possession and they have not put on Test Identification Parade. Petitioners have made accused only on the basis of suspicion. Petitioners have got no criminal antecedent as stated in para 3 of the petition and is in custody since 24.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Sessions Judge, Banka dated 23.01.2023, it appears that on the basis of fardbeyan of Soljar Kumar, FIR has been registered under Section 392 of the Indian Penal Code against two named and two unknown persons. During investigation Section 411 of the Indian Penal Code was also added and the petitioners were arrested from their house and looted mobile has been recovered from the petitioners as stated in the impugned order. It is submitted by learned counsel for the petitioners that investigation has already been completed and chargesheet has already been submitted by learned Magistrate and no test identification parade conducted by the Investigating Officer, accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named be



released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Banka in connection with Barahat PS Case No. 274 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 petitioners shall be released on bail on above conditions and they shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

8. Further, if the petitioners shall not appear before the learned trial Court for two consecutive dates without any valid reason, the bail bonds of the petitioners shall be cancelled by the trial Court.

(Ramesh Chand Malviya, J)

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