

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14943 of 2024**

Arising Out of PS. Case No.-301 Year-2023 Thana- CHAKIA District- East Champaran

Amit Shrivastava S/o Ramashankar Prasad R/o Vill - Sapgardha, P.S. - Chiraiya, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Abhishek Kumar, Advocate |
| For the Opposite Party/s | : | Mr. Manoj Kumar, APP         |

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

ORAL ORDER

2      22-04-2024                      Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in a case registered for the offence under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, it is a case of murder of the son of the informant by the accused persons.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. He next submits that petitioner is not named in the FIR and he is in custody since 08.01.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.



6. On perusal of the first information report and impugned order dated 01.02.2024, it appears that the petitioner is not named in the FIR and specific allegation against two co-accused persons and not against this petitioner and the name of the petitioner surfaced on the basis of confessional statement of co-accused Vivek Kumar who has been granted bail by this Court passed in Cr. Misc. No. 14090 of 2024 and other co-accused, namely, Rahul Singh @ Abhishek Kumar @ Mukhiya who has been named in the FIR, has been granted anticipatory bail by this Court passed in Cr. Misc. No. 82378 of 2023, so I am inclined to grant bail to the petitioner.

7. Accordingly, let the petitioner, above named, be directed to be released on bail *after framing of the charge* in connection with Chakia P.S. Case No.301 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, East Champaran, Motihari.

8. 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 above named petitioner shall be



released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

**(Ramesh Chand Malviya, J)**

Brajesh Kumar/-

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