

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18769 of 2024

Arising Out of PS. Case No.-536 Year-2023 Thana- PAHARPUR District- East Champaran

1. Raju Das S/O Daroga Das R/O Village- Noneya Kachahari Tola, P.S- Paharpur, Dist.- East Champaran.
2. Suman Kumar S/O Dinanath Mahto R/O Village- Noneya Kachahari Mishra Tola, P.S- Paharpur, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Paharpur P.S. Case No. 536 of 2023 instituted for the offences punishable under Sections 341, 342, 323, 504, 414 and 34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, when the informant along with his sons were going to his sasural by his motorcycle and they reached near Noneya Tola, five persons including the petitioners on three motorcycles came and surrounded the informant. They were in drunken condition, abused and



assaulted the informant with fist and slap. On raising alarm by the informant, the local people assembled and caught the petitioners and co-accused Rambabu Kumar with two motorcycles whereas two persons managed escape who were on one motorcycle. Upon information police reached there and during search, from the possession co-accused Rambabu Kumar, one live cartridge and one empty cartridge were found.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. They have falsely been implicated in this case due to dirty village politics. They have no concern with the alleged recovered arms or with vehicles in question. The allegation levelled against the competitors is not specific rather general and omnibus in nature. No any incriminating article has been recovered from their conscious possession. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. They are languishing in judicial custody since 28.12.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., seizure list and impugned order dated 25.01.2024, it appears that on the basis of written report of the informant Shatrughan Sah F.I.R. registered



against five persons including this petitioners. Nothing has been recovered from the possession of the petitioners rather the alleged incriminating article has been recovered from the co-accused Rambabu Kumar, accordingly the prayer for bail of the petitioner is 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 Exclusive Special Excise Court No.1, East Champaran at Motihari in connection with Paharpur P.S. Case No. 536 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.

(Ramesh Chand Malviya, J)

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