

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16324 of 2024

Arising Out of PS. Case No.-485 Year-2023 Thana- KONCH District- Gaya

Binod Kumar @ Sardar Jee, age about 40 years, Gender-Male, Son of
Lakhandeo Yadav, Resident of Village- Dhanchui, P.S. Konch, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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

ORAL ORDER

3 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Konch
PS Case No. 485 of 2023 instituted for the offences punishable
under Section 392 of the Indian Penal Code.

3. As per the prosecution case, three unknown accused
persons stop the bike of the informant, assaulted him and looted
his bike, mobile and cash of Rs. 23,000/- and fled away from
the spot.

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 no any incriminating articles have been recovered



from the conscious possession of the petitioner. The petitioner has been made accused only on the basis of confessional statement of co-accused Pramod Das. Petitioner was neither arrested at the spot nor any Test Identification Parade has been conducted till date. Petitioner is in custody since 24.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-II, Gaya dated 23.01.2024, it appears that petitioner is not named in the FIR and his name surfaced only on the basis of confessional statement of co-accused Pramod Das. As submitted by learned counsel for the petitioner that investigation has already been completed, chargesheet has already been submitted in this case before the learned Magistrate and no TIP conducted till date, 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, Gaya in connection with Konch PS Case No. 485 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.

(Ramesh Chand Malviya, J)

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