

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18144 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- MANJHAGARH District- Gopalganj

Pramod Yadav, aged about 23 years, Son of Pramanand Yadav, Male Resident
of Village- Indawali, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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

ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Manjhagarh P.S. Case No. 47 of 2023 instituted for the offences
punishable under Sections 307, 385, 387 and 506/34 of the
Indian Penal Code and 27 of the Arms Act.

3. As per the prosecution case, the informant and his
brother was in his shop. In the meantime, five miscreants riding
on two motorcycles came there and entered in the shop and
opened firing in which the informant's brother Gauri Shankar
Gupta received bullet injury in stomach and left hand and got
brutally injured.

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 only on the basis of suspicion. He further submits that the petitioner is not named in the FIR and has been falsely implicated in this case only on the basis of confessional statement of co-accused Amit Thakur. It is further submitted that there is no any allegation of assault or making firing against the petitioner and witnesses in the case diary have not supported the prosecution case. Petitioner is in custody since 15.07.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Vith, Additional Sessions Judge, Gopalganj dated 12.02.2024, it appears that petitioner is not named in the FIR, his name surfaced in the confessional statement of co-accused Amit Thakur and there is no any Test Identification Parade against the petitioner till date. Similarly situated co-accused persons namely Dhananjay Mishra, Bijendra Kumar @ Ashish Kumar and Kanchan Singh have already been granted bail by a co-ordinate Benches of this Court in Cr. Misc. Nos. 10354 of 2024, 43463 of 2023 and 3224 of 2024 vide orders dated 22.02.2024, 27.07.2023 and 29.01.2024, respectively, 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 Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 47 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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