

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18616 of 2024

Arising Out of PS. Case No.-403 Year-2022 Thana- BARARI District- Katihar

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Suman Kuwar, aged about 27 years, Male Son of Fago Kuwar, Resident of Village - Bakharpur (Pirpaiti), P.S. - Pirpaiti, District – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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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 S.T. No. 221 of 2023 arising out of Barari (Semapur) P.S. Case No. 403 of 2022 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 201, 364, 386 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant, his son and other villagers had gone to Bhawanipur Diyara to graze their cattle. At about 10:30 A.M., the accused persons about 23 in numbers armed with deadly weapons came there and demanded extortion of Rs. 2,000/- and they also threatened to



kill, if demand will not be fulfilled. It is further submitted that they abducted the informant's son and committed murder.

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. It is further submitted that the petitioner is not named in the FIR. Petitioner has neither arrested at the spot nor there is any recovery of any incriminating articles from his conscious possession. Petitioner has no concern with the alleged occurrence or with the accused persons and he is not the member of the gang. Petitioner is in custody since 09.01.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-V, Katihar dated 23.06.2023, it appears that petitioner is not named in the FIR. From perusal of the records, it appears that the allegation against the petitioner is of demanding extortion money and threatened to kill. Similarly situated accused person namely Roshan Kumar Pandey and Kundan Kumar Pandey have been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 41308 of 2023 vide order dated 30.08.2023, 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 Additional Sessions Judge-V, Katihar in connection with S.T. No. 221 of 2023 arising out of Barari (Semapur) P.S. Case No. 403 of 2022.

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 further the petitioner shall be present before the trial Court till conclusion of proceeding of trial.

(Ramesh Chand Malviya, J)

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