

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24005 of 2024

Arising Out of PS. Case No.-96 Year-2023 Thana- KIUL RAIL P.S. District- Lakhisarai

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Bimal Mahaldar, aged about 30 years, Son of Kuldev Mahaldar, Resident of
Village - Lohandiya Bazar, Godda, P.S. - Lalmatiya, District - Godda
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rail
Kiul P.S. Case No. 96 of 2023 instituted for the offences
punishable under Sections 328 and 379 of the Indian Penal
Code.

3. As per the prosecution case, it is case of stealing of
some items of the informant by the accused persons.

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 due to dirty village politics.



Petitioner is not named in the FIR and there is no any recovery from the conscious possession of the petitioner. He has been made accused only on the basis of confessional statement of co-accused. Petitioner is in custody since 05.08.2023.

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-Ist, Lakhisarai dated 16.12.2023, it appears that the name of the petitioner has been figured by the confessional statement of co-accused and no any recovery has been made from the conscious possession of the petitioner. Similarly situated co-accused person namely Ranjeet Singh @ Kalua Mahaldar @ Ranjeet Mahaldar has been granted bail by this Court in Cr. Misc. No. 16357 of 2024 vide order dated 15.03.2024, 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 Railway Judicial Magistrate, Kiul, Lakhisarai in connection with Rail Kiul P.S. Case No. 96 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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