

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25611 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- CHAKAND District- Gaya

Manoj Yadav, aged about 28 years, Son of Late Hardev Yadav, Resident of Village- Khaira, P.S.- Konch, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Chakand PS Case No. 416 of 2023 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 385, 366, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the informant Nagendra Singh alleged that on 14-15/12/2023, 15-20 persons having arms with them entered in Kanchan Brick *Battha* and other six brick *Batthas* and snatched the mobile phones and cash from the workers by putting them in fear. They also threatened them not to work and demanded ransom and made threate to kill, if their demand of ransom is not fulfilled by the owners of



the *Bhattha*.

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 and has not caught on the spot nor any incriminating articles have been recovered from the conscious possession of the petitioner. He next submits that the occurrence took place at 14-15.12.2023 and the FIR has been lodged on 16.12.2023 and there is no any plausible explanation in this regard. Petitioner is in custody since 28.12.2023.

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-I, Gaya dated 06.03.2024, 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 from the owner of the brick *Bhattha*. The name of the petitioner has been surfaced from the unknown miscreants who stated that they are persons of Manoj Yadav and Vikash Yadav and during investigation no Test Identification Parade has been conducted till date, no recovery from the conscious possession of the petitioner, 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 A.C.J.M.-X, Gaya in connection with Chakand PS Case No. 416 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 further the petitioner shall be present before the trial Court till conclusion of proceeding of trial.

(Ramesh Chand Malviya, J)

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