

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27133 of 2024

Arising Out of PS. Case No.-337 Year-2023 Thana- TAJPUR District- Samastipur

Kundan Kumar, aged about 23 years, Male, Son of Vijay Paswan @ Bijay Paswan, Resident of Village- Musapur P.S.- Sarairanjan (Ghatho OP), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Tajpur P.S. Case No. 337 of 2023 instituted for the offences punishable under Sections 392 and 411 of the Indian Penal Code.

3. As per the prosecution case, three unknown miscreants who were on a motorcycle chased and intercepted the informant and on the gun point looted his motorcycle, mobile phone, cash of Rs. 9,200/- and his purse containing pan card and aadhar card.

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. He further submits that there is neither any incriminating articles nor any looted



article/cash has been recovered from the conscious possession of the petitioner. He has been made accused only on the basis of suspicion. Petitioner has been arrested in another case and has been remanded in this case on the basis of confessional statement of co-accused. Petitioner has not been put on Test Identification Parade. Petitioner is in custody since 18.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 1st Additional Sessions Judge, Samastipur dated 06.03.2024, it appears that petitioner has not put on Test Identification Parade not named in the FIR and no recovery from the possession of the petitioner. The name of the petitioner surfaced on the basis of confessional statement of co-accused and the petitioner has been remanded in this case from another case, 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 Chief Judicial Magistrate-1st, Samastipur in connection with Tajpur P.S. Case No. 337 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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