

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28263 of 2024

Arising Out of PS. Case No.-746 Year-2023 Thana- MAHUA District- Vaishali

Nikhil Kumar Son of Upendra Kumar Singh Resident of Village- Fulwariya,
P.S.- Mahua, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 19-04-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Mahua P.S. Case No.746 of 2023 registered for the offence
under Sections 394 of the Indian Penal Code.

3. Allegation against the petitioner is to have
looted a sum of Rs.1,29,730/- from the office of the informant
along with other unknown accused persons.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case, where, petitioner is not named in
the FIR and his name surfaced on the basis of self confessional
statement. It is submitted that nothing incriminating articles
were recovered from possession of this petitioner, during course



of investigation, which may connect this petitioner with the present set of occurrence rather recovered amount of Rs.12,000/- from the possession of this petitioner belongs to himself only. It is further submitted that petitioner is in custody since 24.11.2023. Similarly situated co-accused person has already been granted bail by this Court in Cr. Misc. No. 15843 of 2024 vide order dated 13.03.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Mahua P.S. Case No.746 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition



that the petitioner have to 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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