

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28032 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- RIGA District- Sitamarhi

=====

Sujit Kumar @ Sujit Patel @ Banar Sena @ Sujeet Kumar, aged about 30 years, Gender-Male, Son of Rambabu Ray, Resident of Village - Sahbajpur, Sahbaja, P.S. - Sahbaja, District -Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Riga P.S. Case No. 206 of 2023 instituted for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, accused persons looted the bag of the informant which contain Rs. 51,000/-, one mobile and also looted informant's motorcycle.

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. Petitioner is not named in the FIR and the informant registered the present case only



against one Gautam Choudhary and three another unknown persons. Petitioner has been made accused only on the basis of confessional statement of co-accused Rajesh Kumar. He next submits that no any incriminating articles have been recovered from the conscious possession of the petitioner. Petitioner is in custody since 07.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 14th Additional Sessions Judge, Sitamarhi dated 16.02.2024, it appears that petitioner is not named in the FIR. From perusal of the records, it appears that the name of the petitioner has been surfaced only on the basis of confessional statement of co-accused Rajesh Kumar, no recovery has been made from the conscious possession of the petitioner and there is no Test Identification Parade conducted till date, 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 14th Additional Sessions Judge, Sitamarhi in connection with Riga P.S. Case No. 206 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)

Anand Kr.

U		T	
---	--	---	--

