

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28017 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- BAJPATTI District- Sitamarhi

Hasan Mansuri, Male, aged about 23 years, Son of Kasim Mansuri @ Md. Kasim, Resident of Village- Bhavanipur Ward No. 13, P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Murari, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, 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 Bajpatti P.S. Case No. 166 of 2023 instituted for the offences punishable under Sections 394/34 of the Indian Penal Code.

3. As per the prosecution case, three accused persons entered into the house of the informant armed with gun and breaking lock and also caused hurt to the informant and his wife and looted articles.

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 police mechanism. He further submits that the petitioner is not named in the FIR and



nothing has been recovered from the possession of the petitioner. Chargesheet has already been submitted in this case and there is no chance of tampering with the evidence. There is no any eye witness of the occurrence. Petitioner is in custody since 19.08.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 2nd Additional District and Sessions Judge, Sitamarhi dated 29.02.2024, it appears that petitioner is not named in the FIR. From perusal of the records, it appears that no Test Identification Parade has been conducted till date, no recovery from the conscious possession of the petitioner and name of the petitioner has been surfaced on the basis of confessional statement, 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 Judicial Magistrate-1st Class, Sitamarhi in connection with Bajpatti P.S. Case No. 166 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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