

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40551 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- SAHARGHAT District- Madhubani

Chandranarayan Sah, Gender-Male, aged about 34 years, Son of Late Gyani Sah, Resident of Village- Kushar, P.S.- Tariyani, P.O.- Triyani, District- Shivhar, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Nath, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 15-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saharghat P.S. Case No. 136 of 2023 instituted for the offences punishable under Sections 395, 397 and 398 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of the Explosive Substance Act.

3. As per the prosecution case, the informant states that he along with members of his family having gone to sleep, he woke up on hearing some sound. On going to his terrace, he found 40-50 accused persons variously armed. Information was



given to the police station, however in the meantime the accused persons entered. They resorted to firing etc. and also assaulted the informant's brother with an iron rod causing injuries to different persons. A number of articles were stolen and taken away by the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous enmity and village politics. His name transpired in this case only on the basis of confessional statement of co-accused Chandra Narayan Sah and except the confessional statement of co-accused nothing is against the petitioner. There is no specific allegation against the petitioner, only omnibus allegation has been made in the F.I.R. Moreover, he is languishing in judicial custody since 19.10.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-III, Madhubani dated 28.02.2024, it appears that petitioner is not named in the FIR, no recovery from the conscious possession of the petitioner and he has not put on Test Identification Parade till date. The name



of the petitioner has been surfaced only on the basis of confessional statement of co-accused Chandra Narayan Sah and except the confessional statement of co-accused nothing is against the petitioner. Similarly situated co-accused persons namely Salendra Raut @ Shailendra Raut, Manoj Kumar Yadav @ Manoj Yadav, Arun Kumar Sah @ Arun Sah and Pappu Sah @ Pappu Kumar have been granted bail by a co-ordinate Benches of this Court in Cr. Misc. Nos. 9932 of 2024, 12573 of 2024, 10479 of 2024 and 9760 of 2024 vide orders dated 17.05.2024, 27.02.2024 and 22.02.2024 respectively, 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, Benipatti at Madhubani in connection with Saharghat P.S. Case No.136 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)

Anand Kr.

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

