

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31727 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- AMARPUR District- Banka

Rohit Modi, Male, Aged about 22 years, S/o Kare Modi @ Bibhuti Modi R/o
vill - Laugain, P.S. - Amarpur, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Najmul Hodda, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Amarpur P.S. Case No. 53 of 2024 instituted for the offences
punishable under Sections 399, 402 and 414 of the Indian Penal
Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, on receiving informant
that some accused persons have assembled near Mahua Bagicha
to commit crime, when the police party reached at the spot,
three accused persons namely, Manish Kumar, Gaurav Kumar
Singh and Saurav Kumar were arrested who confessed the name
of other accused persons and from their possession arms and
mobile phone were recovered.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of suspicion. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. The other co-accused person namely, Saurabh Kumar has already been granted bail by this Court vide order dated 15.04.2024 passed in Cr. Misc. No. 23430 of 2024. Moreover, petitioner is languishing in judicial custody since 20.01.2024.

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

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 53 of 2024.

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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