

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40292 of 2024

Arising Out of PS. Case No.-290 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

Pradip Kumar @ P.S. Samrat, Male, aged about 23 years, Son of Late Surendra Paswan, Resident of Village- Chotki Chanda, P.S.-Koilwar, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Udwantnagar P.S. Case No. 290 of 2023 instituted for the offences punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, the accused persons snatched the bag of the informant containing laptop, bio-metric machine and Rs. 55,430/-.

4. Learned counsel for the petitioner submits that the petitioner is innocent has committed no offence and has falsely been implicated in this case. Petitioner is not named in the FIR. Nothing has been recovered from the conscious possession of the petitioner. Petitioner's name surfaced in the instant case only



on the basis of confessional statement of co-accused Sandeep Kumar. Learned counsel for the petitioner further submits that investigation has already been completed and chargesheet has been submitted and no Test Identification Parade has been held till date. Petitioner is in custody since 30.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-XIII, Bhojpur at Ara dated 22.04.2024, it appears that petitioner has not named in the FIR and his name surfaced in this case only on the basis of confessional statement of co-accused Sandeep Kumar, no test identification parade has been conducted till date and he has not been arrested at the spot. Similarly situated co-accused persons namely Chunnu Paswan @ Chunnu Kumar and Sandeep Kumar in Cr. Misc. Nos. 15957 of 2024 and 24811 of 2024 vide orders dated 19.03.2024 and 05.04.2024 respectively, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No. 290 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.

8. Further, if the petitioner shall not appear before the learned trial Court for two consecutive dates without any valid reason, the bail bonds of the petitioner shall be cancelled by the trial Court.

(Ramesh Chand Malviya, J)

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