

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40925 of 2024

Arising Out of PS. Case No.-452 Year-2023 Thana- PARBATTa District- Khagaria

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Kishi Yadav @ Kisi Yadav, Male, aged about 19 years, Son of Arvind Yadav,
Resident of Village-Yaduvansh Nagar Bharatkhand, P.S.- Parbatta
(Bharatkhand) District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kashyap, Advocate

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

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**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
Parbatta (Bharatkhand) P.S. Case No. 452 of 2023 instituted for
the offences punishable under Sections 394, 395 and 411 of the
Indian Penal Code.

3. As per the prosecution case, it is a case of stolen
battery from Basbitta near Basa of Yogi Paswan.

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 only on the basis of
suspicion. Petitioner is not named in the FIR and his name has
been surfaced only on the basis of confessional statement of co-



accused Jichhu Yadav. It is further submitted that nothing has been recovered either from the possession or place which belongs to the petitioner. Petitioner has not put on Test Identification Parade. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 25.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-III, Khagaria dated 06.03.2024, it appears that petitioner is not named in the FIR. From perusal of the records, it appears that the allegation against the petitioner is of stolen battery of the informant from Basbitta near Basa of Yogi Paswan. Petitioner has not put on Test Identification Parade and has no criminal antecedent as stated in para 3 of the petition and his name surfaced in this case only on the basis of suspicion and confessional statement of co-accused Jichchhu Yadav, who has been granted bail by this Court in Cr. Misc. No. 35947 of 2024 vide order dated 20.05.2024, 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, Khagaria in connection with Parbatta (Bharatkhand) P.S. Case No. 452 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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