

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38548 of 2024

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

Manish Kumar, Male, aged about 24 years, Son of Kedar Yadav, Resident of Village - Kaswa Kherhi, Police Station - Shahkund, District – Bhagalpur.

... .. 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. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 22-05-2024 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, the allegation against the petitioner along with other co-accused persons is to have assembled near Mahouta garden to commit crime.

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. It is further submitted that the allegation levelled



against the petitioner is false and concocted. He next submits that no any arms and ammunitions have been recovered from the conscious possession of this petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 20.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-IV, Banka dated 28.03.2024, it appears that petitioner is named in the FIR and there is no any independent witness of the seizure list. Similarly situated co-accused persons namely Rohit Modi and Saurabh Kumar have been granted bail by a co-ordinate Benches of this Court in Cr. Misc. Nos. 31727 of 2024 and 23430 of 2024 vide orders dated 25.04.2024 and 15.04.2024, 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, 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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