

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39223 of 2024

Arising Out of PS. Case No.-394 Year-2023 Thana- ATRI District- Gaya

Nitish Kumar @ Bhola SON OF UMESH YADAV Village -Bhola Bigha PS
-Belaganj District- Gaya Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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

ORAL ORDER

2 12-07-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Atri P.S. Case No.394 of 2023 registered for the offence under
Sections 392 and 395 of the Indian Penal Code.

3. Allegation against the petitioner is to have
taken away a vehicle Tata Intra V-30 bearing registration
no.BR02GC2169 loaded with 56 bags of lemon along with other
co-accused persons.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case, where, petitioner was not named
in the FIR and his name surfaced during course of investigation



on the basis of confessional statement of other co-accused person. It is submitted that nothing has been recovered from the possession of this petitioner. It is submitted that similarly situated co-accused persons have already been granted bail by a learned co-ordinate Bench of this Court as well as this Court through Cr. Misc. No.8150 of 2024 on 19.02.2024 and Cr. Misc. No.19682 of 2024 on 03.04.2024. It is further submitted that petitioner is in custody since 28.11.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, *after framing of the charge*, in connection with Atri P.S. Case No.394 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Gaya.

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 above named petitioner shall be



released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

S.Katyayan/-

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

