

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49104 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- BIDUPUR District- Vaishali

Sonu Kumar, aged about 22 years, Male, Son of Sunil Ray @ Suneel Kumar @ Bhulla, Resident of Village- Govindpur Jhakhara, P.S- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bidupur P.S. Case No. 103 of 2023 instituted for the offences punishable under Sections 394, 392 and 411 of the Indian Penal Code.

3. As per the prosecution case, three miscreants on a bike intercepted the informant and his father and robbed on the gun point and looted their motorcycle and mobile.

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. Petitioner is not named in the FIR and on the basis of self confessional statement of the



petitioner, he has been implicated in this case. Nothing incriminating articles have been recovered from the conscious possession of the petitioner and till date no Test Identification Parade has been conducted. Petitioner is in custody since 19.05.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-V, Vaishali at Hajipur dated 06.06.2024, it appears that petitioner is not named in the FIR and on the self confessional statement he has been made accused in this case. There is no any recovery from the conscious possession of the petitioner and looted motorcycle and mobile has been recovered from other co-accused namely, Vikram Kumar and Vikash. Similarly situated co-accused persons namely Vikram Kumar and Mithlesh Kumar @ Mithilesh Kumar have been granted bail by co-ordinate Benches of this Court in Cr. Misc. Nos. 9708 of 2024 and 12130 of 2024 vide orders dated 16.04.2024 and 05.03.2024, 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, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 103 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. If the petitioner does not appear on two consecutive dates without any sufficient cause the trial Court shall have the liberty to cancel the bail bond of the petitioner.

(Ramesh Chand Malviya, J)

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