

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47467 of 2024

Arising Out of PS. Case No.-127 Year-2023 Thana- HATHAURI District- Muzaffarpur

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Raja Kumar Son of Late Ashok Mahto @ Ashok Mandal @ Ashok Kumar
Mahto Resident of village - Rampur Uttar, P.S.- Hathauri, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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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 is in custody in connection
with Hathauri P.S Case No. 127 of 2023 registered for
the offences punishable under Sections 399, 402 of the
Indian Penal Code read with Sections 25(1-b)a /26/35 of
the Arms Act.

3. As per prosecution case, it is a case of
recovery of some arms and ammunition from the
petitioner and co-accused persons.

4. Learned counsel for the petitioner submits
that petitioner has falsely been implicated in this case. It



is next submitted nothing recovered from the petitioner. Petitioner was not arrested on spot rather his name surfaced from the confessional statement of the arrested co-accused persons. It is next submitted that co-accused persons have already been granted bail vide order dated 20.03.2024 in Cr. Misc. No. 2367 of 2024 and in Cr. Misc. No. 21018 of 2024 vide order dated 19.04.2024. It is also submitted that petitioner is in judicial custody since 30.01.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, East Muzaffarpur in connection with Hathauri P.S Case



No. 127 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 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 the 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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