

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49641 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- MINAPUR District- Muzaffarpur

Vivek Kumar, Male, aged about 19 years, Son of Vishwanath Sahni, Resident of village - Dharpur, P.S. -Minapur, District – Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 22-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Minapur P.S. Case No. 77 of 2024 instituted for the offences punishable under Sections 379, 401, 413, 414 and 34 of the Indian Penal Code and Sections 25(1-b)a, 25(1-A), 25(1-AA), 26 and 35 of the Arms Act.

3. As per the prosecution case, the allegation against the petitioner is that he along with three co-accused persons arrested with stolen motorcycle. It is further alleged that one live cartridges was also recovered from the pocket of the petitioner.

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. He further submits that nothing incriminating articles has been recovered from the conscious possession of the petitioner. He next submits that the entire prosecution story is based on suspicion and surmises and there is no any cogent material available on record to connect the petitioner in the alleged crime. Petitioner has got clean antecedent as stated in para 3 of the petition and he is in custody since 27.02.2024.

5. Learned APP opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case as well as the period of the custody and also the fact that the petitioner has got no criminal antecedent, 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 Judicial Magistrate-1st Class, Muzaffarpur in connection with Minapur P.S. Case No. 77 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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