

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49893 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- KHAGARIA RAIL P.S. District- Khagaria

Satyam Kumar, aged about 19 years, Male, Son Of Manoj Choudhry,
Resident of Village - Chhoti Baliya, Akhtiyarpur Ward No. 11, P.S. - Baliya,
District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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

ORAL ORDER

2 19-07-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail registered for the offence under Sections 379, 414 and 401/34 of the Indian Penal Code.

3. As per the prosecution case, it is a case of stolen of gold chain of the informant from a train by the accused persons.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. He further submits that there is no recovery from the conscious possession of the petitioner. He next submits that the occurrence has been taken place on 21.09.2023 and the FIR has been lodged on 28.09.2023, after a lapse of 7 days but there is no any plausible explanation in this regard. Petitioner has not put on Test Identification Parade till date and is in custody since



29.09.2023.

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

6. From perusal of the FIR, seizure list and the impugned order of the learned Additional Sessions Judge-Vth, Khagaria dated 05.06.2024, it appears that petitioner is named in the FIR. From perusal of the records, it also appears that during investigation, no any stolen articles have been recovered from the conscious possession of the petitioner and recovery of mobile from the pocket belongs to the petitioner. Similarly situated co-accused persons namely, Niraj Kumar, Raj Kumar Paswan, Sudhir Kumar, Santosh Kumar and Banti Kumar have been granted bail by this Court in Cr. Misc. Nos. 13838 of 2024, 17831 of 2024, 19124 of 2024 and 32050 of 2024 vide orders dated 25.04.2024, 21.03.2024 and 25.04.2024, respectively, let the petitioner, above named, be directed to be released on bail *after framing of the charge* in connection with Khagaria Rail P.S. Case No.99 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 Railway Judicial Magistrate, Khagaria.

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)

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