

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57101 of 2023

Arising Out of PS. Case No.-330 Year-2019 Thana- MASHRAK District- Saran

Rahul Kumar Kushwaha S/O Jagdish Singh Kushwaha R/O Village- Taraiya,
P.S- Taraiya, Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

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

ORAL ORDER

7 22-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Mashrak P.S Case No. 330 of 2019 registered for
the offences punishable under Sections 363/364 of the
I.P.C.

3. As per allegation in the FIR, the informant
raised suspicion about kidnapping of her son and
committing his murder by petitioner and co-accused.

4. Learned counsel for the petitioner submits
that petitioner has falsely been implicated in this case.
He further submits that petitioner is not named in FIR



whereas name of the petitioner surfaced from the confessional statement of the co-accused. No recovery from the possession of the petitioner. In similarly situated condition one of the co-accused has been granted bail by the Co-ordinate Bench of this court *vide* order dated 31.08.2020 passed in Cr. Misc. No. 12122 of 2020. It is also submitted that petitioner is in judicial custody since 28.05.2023.

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 A.C.J.M-VI, Chapra, Saran in connection with Mashrak P.S Case No. 330 of 2019.

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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