

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72291 of 2024

Arising Out of PS. Case No.-267 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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Manish Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv.
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-10-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. Learned Counsel for the petitioner seeks permission
to correct the Provisions of Law in bail petition in course of the
day.

3. Permission granted.

4. The present Criminal Miscellaneous application has
been filed under Sections 483 and 484 of the Bharatiya Nagarik
Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”)
for seeking regular bail in connection with Darbhanga Sadar
P.S. Case No.267 of 2024 lodged on 10.07.2024 under Section
309(4) of the Bharatiya Nyaya Sanhita, 2023.

5. As per the prosecution, As per the prosecution case,
the F.I.R. has been lodged against 3 named accused persons



including the petitioner against whom there is an allegation that they had snatched the four wheeler of the informant.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the seizure list, it becomes crystal clear that nothing has been recovered from the petitioner's possession and the said alleged car which was subject to robbery, has been made from the possession of one Guddu Khan, whose name is not figured in the F.I.R.

7. Learned Counsel further submits that it is case of robbery, but no recovery has been made from his possession. He further submits that section 3(5) of the Bharatiya Nyaya Sanhita, 2023 has also not been added.

8. Learned Counsel further submits that petitioner is in custody since 11.07.2024 having clean antecedent.

9. Learned counsel for the State opposes the prayer for bail and submits that it is true that recovery has not been made from the possession of the petitioner, but in the F.I.R., informant has identified three accused persons and he could not identify the fourth person. He further submits that the recovery has been made from the fourth person.

10. Learned Counsel further submits that from the



seizure list of persons is attached with the F.I.R. which itself indicates that they are involved in the present crime.

11. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Addl. Chief Judicial Magistrate, Darbhanga in connection with Darbhanga Sadar P.S. Case No.267 of 2024, subject to the following conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Prakashmani/-

(Dr. Anshuman, J.)

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