

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70338 of 2023

Arising Out of PS. Case No.-66 Year-2004 Thana- ALOULI District- Khagaria

Fantush Sada Son Of Kaulu Sada @ Kailash Sada Resident Of Village-
Mohanpur, P.S- Morkahi, District- Khagaria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Vikram

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-01-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 386/34 of the Indian Penal Code and Section 25(1-B) a, 26 of the Arms Act.

It is alleged against all the F.I.R named accused persons including the petitioner that they came at the shop of the informant and demanded ransom demand of Rs. 50,000/-. The accused persons also threatened the informant by brandishing firearm.

It is submitted by learned counsel for the



petitioner that petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. There is general and omnibus allegation against the petitioner and the specific allegation is against Kamal Kishore Sada who was already granted the privilege of bail on 11.10.2004. The petitioner was not properly served notice in respect of the trial of this case. The petitioner is languishing in custody since 13.04.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

In pursuance to the direction of this Court, a report with regard to the present stage of the Trial has been received which has been kept at Flag-R. The report of learned Judicial Magistrate, 1st Class, Khagaria dated 23.11.2023 suggests that charge has still not been



framed and six witnesses are yet to be examined.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail after framing of charge, if the charge has still not been framed and on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria in connection with Alauli (Morkahi) P.S. Case No. 66 of 2004.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

