

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68765 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- BHAPTIAHI District- Supaul

1. Satya Narayan Choudhary aged about 62 years, male, son of Late Parmeshwari Choudhary Village- Sukhasan Ps- Kishanpur Dist- Supaul
2. Shankar Choudhary, aged about 38 years, male, son of Mahendra Choudhary Village- Sukhasan Ps- Kishanpur Dist- Supaul
3. Suresh Choudhary, aged about 40 years, male, son of Late Jagdish Choudhary Village- Sukhasan Ps- Kishanpur Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP

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

ORAL ORDER

4 13-02-2024 Heard learned counsel for the petitioners and
learned APP for the State.transpired meaning

2. The petitioners are in custody in connection with Sessions Trial Case No. 235 of 2023, arising out of Bhaptiyahi P.S Case No. 172 of 2022 registered for the offences punishable under Sections 392, 342, 34 of the I.P.C. Later on Sections 395, 412 of the I.P.C has been added *vide* order dated 14.02.2023.

3. As per allegation in the FIR, the informant who is said to be a driver of the truck has alleged that while he



was boarding, suddenly some unknown miscreants intercepted him and assaulted him along with his co-driver and shifted him to another pick up van and taken away his truck which loaded with raw rice.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that petitioners have not been named in the FIR, however, their names transpired in this case on the basis of confessional statement of the co-accused, Subhash Kumar @ Subhash Mehta, who has confessed before the police that he along with other accused persons committed loot of the informant. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. Similarly situated co-accused, persons have already been granted bail by the Co-ordinate Bench of this Court vide order dated 14.09.2023 passed in Criminal Misc. No. 58413 of 2023. It is also submitted that petitioners are in judicial custody since 14.02.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. Considering the aforesaid facts and



circumstances of the case and submissions made on behalf of the petitioners, let the above named petitioners be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV, Supaul in connection with Sessions Trial Case No. 235 of 2023, arising out of Bhaptiyahi P.S Case No. 172 of 2022.

7. However, the trial court is directed to conclude the proceeding of *framing of charge* according to law within a period of one month from the date of receipt of this order.

(Ramesh Chand Malviya, J)

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