

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74736 of 2023

Arising Out of PS. Case No.-395 Year-2022 Thana- KANTI District- Muzaffarpur

Rahul Kumar, aged about 24 years, Male Son of Parmod Sah, Resident of Village- Runnisaidpur Shiv Nagar, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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

ORAL ORDER

3 21-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kanti PS Case No.395 of 2022 instituted for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. As per the prosecution case, informant alleged that poultry feed was sent through Bolero Pickup van but just before Kanti over-bridge the loaded Bolero pickup van was disappeared and subsequently the pickup van was recovered but poultry feed worth Rs. 1,50,000/- was not recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case on the basis of mere suspicion. Petitioner is not named in the FIR and he has not



been put on Test Identification Parade. Nothing incriminating or looted articles has been recovered from the conscious possession or house of the petitioner. Similarly situated co-accused persons namely Manoj Kumar, Raushan Kumar and Md. Irsad @ Amit @ Chhotu @ Chhathu have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. Nos. 12657 of 2023, 32247 of 2023 and 25469 of 2023 vide orders dated 05.05.2023, 24.06.2023 and 24.07.2023 respectively.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and impugned order passed by the learned 3rd Additional Sessions Judge, Muzaffarpur dated 20.06.2023, it appears that the name of the petitioner surfaced in this case during course of investigation on the basis of confessional statement of petitioner who was arrested in Motipur P.S. Case No. 300 of 2022. Petitioner is in custody since 20.09.2022, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class (West) Muzaffarpur in connection with Kanti PS Case No. 395 of 2022.



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 petitioner shall be released on bail on 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)

Anand Kr.

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

