

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73867 of 2023

Arising Out of PS. Case No.-296 Year-2023 Thana- MADHAURAH District- Saran

Pawan Kumar, aged about 21 years, Male Son of Pashupati Prasad @ Paspati Prasad, Resident of Village - Amnour, P.S.- Amnour, District – Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh,, Advocate

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

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

ORAL ORDER

3 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Madhawra PS Case No. 296 of 2023 instituted for the offences
punishable under Section 394 of the Indian Penal Code.

3. As per the prosecution case, accused persons
snatched the bag and fired from country-made pistol.

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. Petitioner is not named in
the FIR and the name of the petitioner came on the basis of his
own confession before the police. No incriminating articles have
been recovered from the conscious possession of the petitioner.
From perusal of the first information report, seizure list, case



diary and impugned order of the learned 4th Additional Sessions Judge, Saran at Chapra dated 23.09.2023, it appears that the FIR registered on the basis of written report of Md. Abbash against four unknown persons and name of the petitioner surfaced from the self statement of petitioner in another case. As per the recovery Rs. 50,000/- amount. has been recovered. It appears from the seizure list dated 02.07.2023 that the recovery is from the house of the petitioner Pawan Kumar but no person sign on the seizure list as a seizure list witness. Seizure list witness is the official witness and not independent witness. Similarly situated co-accused persons namely, Abhiraj Kumar @ Hero, Sumit Kumar @ Chhotu, Utkarsh Kumar and Nishant Kumar @ Nitant Kumar have been granted bail by the trial Court in Bail Petition Nos. 1796 of 2023, 1896 of 2023, 1845 of 2023 and 1876 of 2023 vide orders dated 15.09.2023 respectively. Petitioner is in custody since 11.07.2023.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Madhawra PS Case No. 296 of 2023.

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)

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