

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75531 of 2023

Arising Out of PS. Case No.-69 Year-2022 Thana- AMAS District- Gaya

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Guddu Kumar @ Sujit Yadav, age 22 years, Male Son of Prahu Yadav,
Resident of Village- Ajaniya, Yadav Bigha, P.S.- Simara, District-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Amas
PS Case No. 69 of 2022 instituted for the offences punishable
under Sections 394 of the Indian Penal Code.

3. As per the prosecution case, accused persons looted
mobile phone and money from the informant and his friend.

4. Learned counsel for the petitioner submits that the
petitioner is innocent has committed no offence and has falsely
been implicated in this case. There is no evidence or eye witness
of the occurrence who has supported the allegation of the
petitioner. FIR has been lodged against unknown persons and
no specific allegation attributed against the petitioner. Petitioner



has neither arrested at the spot nor any looted articles have been recovered from the conscious possession of the petitioner. He has been made accused on the basis of confessional statement of co-accused Gaurav Kumar @ Golu Kumar. No Test Identification Parade has been conducted.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, seizure list and impugned order of the learned Sessions Judge, Gaya dated 27.09.2023, it appears that the FIR has been lodged against unknown miscreants. From perusal of the case diary, it appears that the looted three motorcycles has been recovered from co-accused Gaurav Kumar @ Golu and his confessional statement the petitioner has been made accused. Similarly situated Co-accused Gaurav Kumar @ Golu has been granted bail by the trial Court. Petitioner is in custody since 12.07.2023, 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, Sherghati, Gaya in connection with Amas PS Case No. 69 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)

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