

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77761 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- BIHIA District- Bhojpur

UMESH KUMAR @ TABELA S/O LALBIHARI SINGH VILLAGE-
FULAI, PS. BIHIYAN, DIST. BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
For the Informant : Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 14-03-2024

Heard learned counsel appearing on behalf

of the parties.

2. The petitioner seeks bail in connection with Bihiya P.S. Case No.144 of 2023 registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, it is a case of death of son of the informant.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that during course of investigation neither a single witness has taken the name of the petitioners nor a single witness have even raised suspicion



against petitioners about complicity in the alleged occurrence. Petitioners have been remanded in this case only on the basis of confessional statement of co-accused. Learned counsel for the petitioners submits that nothing have been recovered from the conscious possession of the petitioners. It is submitted that similarly situated co-accused persons have already been granted bail by this Court through Cr. Misc. No. 74879 of 2023 on 22.02.2024. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 29.06.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, *after framing of the charge*, in connection with Bihiya P.S. Case No.144 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Bhojpur at Ara.

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 above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to 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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