

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6172 of 2024

Arising Out of PS. Case No.-351 Year-2018 Thana- DEEPNAGAR District- Nalanda

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1. Rishu Kumar D/O Dinesh Ram @ Dinesh Kumar Village- Raisha, Ps. Chandi, District Nalanda.
 2. Sonu Kumar @ Bhola Kumar Son Of Umesh Kumar Village- Raisha, P.S.- Chandi, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Deepnagar P.S. Case No. 351 of 2018 registered for the offence under Sections 302/34 IPC.

3. The son of the informant is alleged to have been killed by some unknown persons.

4. Learned counsel for the petitioners submits that the petitioner is innocent committed no offence and has falsely been implicated in the present case on the basis of confessional statement of co-accused. The FIR was lodged against unknown and the petitioner is in custody since 04.10.2023. Similarly



situated co-accused persons have already been granted bail by co-ordinate Benches of this Court in Cr. Misc. Nos. 23853 of 2019 and 35922 of 2019 vide orders dated 08.07.2019 and 23.10.2019.

5. However, learned APP for the State opposed the prayer for regular bail.

6. Having heard learned counsel for the parties, perused the FIR, bail petition and impugned order dated 30.11.2023 passed by learned Sessions Judge, Nalanda at Bihar Sharif, it appears that the petitioner is not named in the FIR his name surfaced from the confessional statement of co-accused Suraj Kumar and Sweety Kumari who have already been granted bail by co-ordinate Benches of this Court. Considering the aforesaid facts and circumstances, the above named petitioner is directed to be released on bail ***after framing of charge*** on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Deepnagar P.S. Case No. 351 of 2018.

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 released on bail on above conditions and he shall be present physically on each or every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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