

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86322 of 2024

Arising Out of PS. Case No.-261 Year-2021 Thana- CHAPRA TOWN District- Saran

Om Prakash Sah @ O.P., aged about 24 years, Male, Son of Kanhaiya Sah,
Resident of Village -Rampur, P.S.- Madhaurah (Gaura O.P.), District- Saran at
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with Chapra Town P.S. Case No. 261 of 2021 registered for an offence punishable under Section 392 of the Indian Penal Code but the charges have been framed under Section 395 of the Indian Penal Code.

3. As per prosecution case, all the accused persons took away about 238 grams gold, cash of Rs.24,000/- and 5,00,000/- foreign currency from the almirah of the informant.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and he is in custody since 25.10.2021 and no test identification parade has been held till date. Petitioner is not named in the FIR and no



incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner has not been identified by the informant or any witness. He next submits that during the course of investigation nothing cogent evidence has come against the petitioner to connect him in the crime.

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

6. From perusal of the FIR and impugned order of the learned Additional District and Sessions Judge-IV, Saran at Chapra dated 23.09.2024, it appears that on the basis of fardbeyan of the informant Abhay Kumar Singh, FIR has been lodged under Section 392 of the Indian Penal code against four unknown persons. During investigation the investigating Officer has found the case under Section 395 of the Indian Penal Code. It also appears, from perusal of the impugned order that there is no any recovery from the conscious possession of the petitioner, no any Test Identification Parade conducted during investigation and investigation has already been completed and chargesheet has been submitted by the trial Court as submitted by learned counsel for the petitioner, petitioner is in custody since 25.10.2021 and similarly situated co-accused persons namely



Mahesh Kumar @ Mahesh @ Raunak and Manish Kumar @ Nanaki @ Nanhki have been granted bail by this Court in Cr. Misc. Nos. 74630 of 2023 and 33169 of 2024 vide order dated 13.03.2024 and 20.05.2024, respectively, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IVth, Saran at Chapra in connection with Sessions Trial No.424 of 2023 arising out of Chapra P.S. Case No. 261 of 2021.

(Ramesh Chand Malviya, J)

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