

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87047 of 2019**

Arising Out of PS. Case No.-839 Year-2019 Thana- ARARIA District- Araria

MD. SARFARAZ ALAM @ SARFARAJ ALAM Son of Mushtaque Alam @  
Mustaque Ray Resident of Village - Rampur Kodarkatti, Ward No. 2, P.S.-  
Araria, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gopal Kumar Jha  
For the Opposite Party/s : Mr.Akhileshwar Dayal  
Mr. Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

5      02-06-2020              The present case was heard at length on 28.5.2020 and  
has been listed today for orders.

The petitioner seeks regular bail in connection with Araria  
P.S. Case No. 839 of 2019 (GR No. 3568 of 2019), registered  
for the offence punishable under Sections 379, 406, 420, 467,  
468, 471 and 414 of the Indian Penal Code.

The case of the prosecution in brief is that the informant  
(ASI) received information regarding presence of the petitioner  
at Chandani Chowk, Araria with a motorcycle, who is also an  
accused in Araria P.S. Case No. 745 of 2019, whereupon the  
informant along with other police officials reached at the said  
place and upon chase, the petitioner was apprehended and his  
motorcycle was confiscated, which was not bearing any



registration number. On search, ATM cards of different banks were also recovered and the petitioner could not produce the documents for the said motorcycle.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. It is also submitted that the petitioner is languishing in custody since 6.11.2019, hence, he deserves to be granted bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record as also the case diary. From a perusal of the records, it is apparent that the charge-sheet has already been filed in the present case and no custodial interrogation is now required qua the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioner, taking into account the fact that though the petitioner is an accused in one other case, but he is on bail in the said case, as also considering the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the



petitioner on bail upon him furnishing personal bond to the satisfaction of the learned C.J.M., Araria in connection with Araria P. S. Case No. 839 of 2019 (GR No. 3568 of 2019).

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned C.J.M., Araria in connection with Araria P. S. Case No. 839 of 2019 (GR No. 3568 of 2019), failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

**(Mohit Kumar Shah, J)**

Ajay/-

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