

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58135 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- PALASI District- Araria

Md. Imran Alam Son of Rajabul @ Md. Rajabul Haque R/V- Dighli (Dighli)
Ward No. 2, P.S- Palasi, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Palasi
P.S. Case No. 131 of 2022 registered for the offence under
Sections 413, 414 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.04.2022.

The allegation against the petitioner is to commit theft
and, while committing so, found in possession of stolen
motorcycle, as per description available in seizure list.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is a mentally ill person and for the said reason, has been falsely implicated in the present case as he found standing near to stolen motorcycle. It is submitted that petitioner is not habitual offender for the reason that only after implicating this case, name of the petitioner surfaced in another case without having any connecting evidence. It is further submitted that alleged recovery of motorcycle was made from the open place, which is accessible by general public and, as such, it can be safely gathered that recovery was not made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as alleged recovery of motorcycle appears from open place, as per seizure list, where petitioner is in custody since 24.04.2022 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Palasi P.S. Case No. 131 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Araria/concerned Court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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