

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5859 of 2024

Arising Out of PS. Case No.-316 Year-2022 Thana- PALASI District- Araria

Md. Sarbesh @ Sarbesh, aged about 38 years, Male Son of Md. Moharram Ali, Resident of Village- Suksena Ward No. 05, P.S. Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Rana, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Palasi PS Case No. 316 of 2022 instituted for the offences punishable under Sections 413 and 414 of the Indian Penal Code.

3. As per the prosecution case, co-accused Shambhu Sharma was nabbed with a stolen motorcycle. The name of the petitioner came in light during investigation of this case as one of the associates of co-accused Shambhu Sharma.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. Petitioner is not named in the FIR but has been made accused in this case on the basis of



confessional statement of the FIR named co-accused Shambhu Sharma. Petitioner has got no criminal antecedent and he is in custody since 01.11.2023. Similarly situated co-accused namely Momtaj @ Mumtaj @ Munna has been granted bail by a co-ordinate Bench of this Court vide order dated 08.11.2023 in Cr. Misc. No. 54182 of 2023.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Araria in connection with Palasi PS Case No. 316 of 2022.

7. However, the Court below is directed to conclude the framing of the charge according to law within a period of one month from the date of receipt of this order.

(Ramesh Chand Malviya, J)

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