

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7317 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Md. Mosahil, aged 19 years, Gender- Male, Son of Md. Sagir @ Mohammad Sagir Alam Resident of Village-Shikarganj, P.S.-Shikarganj, District-East Champaran.
2. Md. Ashraf, aged 20 years, Gender- Male, Son of Md. Aashik Ali @ Md. Aasik Ali Resident of Village-Shikarganj, P.S.-Shikarganj, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s :	Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are in custody in connection with Chiraiya (Shikarganj) P.S Case No. 477 of 2023 registered for the offences punishable under Sections 379, 411, 413 and 414 of the I.P.C.

3. As per allegation in the FIR, the petitioner and the co-accused belongs to gang of motorcycle thieves and they used to sell stolen bike in Nepal. Petitioner and co-accused arrested at the place of



occurrence.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that three motorcycle recovered from the other co-accused persons, the petitioner was presented there but no recovery was made from the possession of the petitioner. Similarly situated co-accused has already been granted bail by this Court vide order dated 16.02.2024 passed in 6310 of 2024. It is also submitted that petitioner is in judicial custody since 17.10.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner 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 learned S.D.J.M. Sikarhana at Dhaka, East Champaran in connection with Chiraiya (Shikarganj) P.S Case No. 477 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law a period of one month 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 be present physically on each and every date before the trial court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Nilmani/-

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