

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15366 of 2024

Arising Out of PS. Case No.-1081 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Sarfraj Alam, Male, aged about 21 years, Son of Sheikh Jamil Akhtar @
Manjaul Ahmad @ Ali Bomb, Resident of Village- Jail Singhpur Tola Retava,
P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Turkauliya PS Case No. 1081 of 2023 instituted for the offences
punishable under Sections 379/34 of the Indian Penal Code.

3. As per the prosecution case, accused persons
including the petitioner stolen the motorcycle of the informant.

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 named in the
FIR. The name of the petitioner has been surfaced in the
confessional statement of co-accused. Petitioner is in custody



since 18.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned 2nd Additional District and Sessions Judge, East Champaran at Motihari dated 08.01.2024, it appears that the FIR has been registered against this petitioner and three others co-accused on the basis of written application of one Ahtesab Alam @ Ahsab Alam, under Sections 379/34 of the Indian Penal Code for committing theft of motorcycle of the informant. The name of the petitioner surfaced only on the basis of confessional statement of co-accused Raja Kumar, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya PS Case No. 1081of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) 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 released on



bail on above conditions and he 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)

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