

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14326 of 2024

Arising Out of PS. Case No.-618 Year-2023 Thana- CHANPATIA District- West Champaran

Om Prakash Sah, aged about 40 years, Male Son of Late Ramchandra Sah,
Resident of Village- Sofwa, Police Station- Shikarpur, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

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

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

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Chanpatia PS Case No. 618 of 2023 instituted for the offences
punishable under Sections 379, 411 of the Indian Penal Code.

3. As per the prosecution case, accused persons
including the petitioner theft 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. He further submits that the petitioner has not arrested on
the spot and nothing incriminating articles have been recovered
from the conscious possession of the petitioner. Petitioner has



confessed his guilt before the police which has got no evidenciary value in eye of law and hit by Section 25 of the Evidence Act. Petitioner is in custody since 04.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, seizure list and impugned order of the learned Additional District and Sessions Judge-1st, Bettiah, West Champaran dated 12.01.2024, it appears that petitioner is named in the FIR, has falsely been implicated in this case and period of custody, 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, Bettiah, West Champaran in connection with Chanpatia PS Case No.618 of 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. In absence of two consecutive
dates of the petitioner without any reasonable ground the trial
Court shall be at liberty to cancel the bail bond of the petitioner.

(Ramesh Chand Malviya, J)

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