

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15904 of 2024

Arising Out of PS. Case No.-414 Year-2021 Thana- MADHEPURA District- Madhepura

Md. Arbaj, aged about 22 years, Male Son of Md. Talim, Resident of village-
Lahona P.S.- Sour Bazar District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

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

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

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Madhepura P.S. Case No. 414 of 2021 instituted for the offences
punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, accused persons riding
on motorcycle looted an amount of Rs. 18,000/- from a Nozal
man.

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. It is also submitted that no
any looted articles have been recovered from the premises of the
petitioner and he has never any concerned with the alleged
occurrence. Petitioner is not named in the FIR. He has been



arrested by the police merely on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioner and he has falsely been implicated in this case due to dirty village politics. Neither the petitioner has been arrested at the spot nor he has put on Test Identification Parade. Petitioner is in custody since 23.03.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, and the impugned order of the learned Additional Sessions Judge-III, Madhepura dated 04.01.2024, it appears that the petitioner has not named in the FIR and only on basis of suspicion he has been made accused in this case. The FIR has been lodged against four unknown accused persons, petitioner is not arrested at the spot and no Test Identification Parade has been conducted till date. It is submitted by learned counsel for the petitioner that investigation is already completed and chargesheet has already been submitted, 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 Judicial Magistrate -Ist, Class, Madhepura in connection with Madhepura PS Case No.



414 of 2021.

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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