

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21487 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- LAURIA District- West Champaran

Mustak Mian, Male, aged about 32 years, Son of Niroda Mian, Resident of village - Pokhariya, Ward No. 9, P.S. - Chanpatiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Tiwary, Advocate

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

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

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Lauriya P.S. Case No. 136 of 2023 instituted for the offences punishable under Section 379 of the Indian Penal Code.

3. As per the prosecution case, it is a case of one stolen Hero Splander motorcycle.

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 due to dirty village politics. He further submits that the petitioner is not named in the FIR and nothing has been recovered from the conscious possession of the petitioner. Petitioner is remanded in this case on 18.09.2023 and since then he is in custody. The name of the



petitioner has been falsely implicated in this case due to local police. The police has submitted final form in this case. He is in custody since 18.09.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned District and Sessions Judge, West Champaran at Bettiah dated 09.11.2023, it appears that the FIR has been registered against unknown person and final form has been submitted so there is no chance of absconding or tampering with the prosecution witnesses, 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 Lauriya P.S. Case No. 136 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.

(Ramesh Chand Malviya, J)

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