

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23645 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- NOORSARAI District- Nalanda

Md. Chand, Son of Md. Rasid, aged about 43 years, Male, Resident of Village- Andhana, P.S.- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Noorsarai P.S. Case No. 207 of 2023 instituted for the offences punishable under Section 397 of the Indian Penal Code.

3. As per the prosecution case, all five persons (including the passengers) snatched the Auto of informant. Auto of the informant is of Rocket company in blue colour. It is also alleged that those miscreants snatched Rs. 900/- and a mobile from 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. He further submits that the entire prosecution story is false and fabricated. Petitioner is not



named in the FIR but his name surfaced in this case during the course of investigation. Petitioner is in custody since 04.07.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge- II, Biharsharif, Nalanda dated 09.02.2024, it appears that nothing has been recovered from the conscious possession of the petitioner. Petitioner has not put on Test Identification Parade till date and no sufficient evidence has come against the petitioner in this case except confessional statement of co-accused. Similarly situated co-accused person namely Md. Danish has been granted bail by this Court in Cr. Misc. No. 80134 of 2023 vide order dated 20.12.2023, 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-1st Class Biharsharif, Nalanda in connection with Noorsarai P.S. Case No. 207 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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