

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25799 of 2024

Arising Out of PS. Case No.-631 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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Jitan Sah, Aged about 45 years, Male, Son of Late Mohan Sah, Resident of
Village- Patpariya, P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Govindganj P.S. Case No.631 of 2023 instituted for the offences
punishable under Section 379 of the Indian Penal Code.

3. The prosecution, in short, is that on the alleged date
of occurrence informant parked his motorcycle in front of his
shop and when he returned after his meal his motorcycle bearing
registration no. BR-22H-4382 was not there.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. Neither he is named in the
F.I.R. nor he was arrested on the spot. Nothing has been



recovered from his conscious possession. Petitioner is languishing in judicial custody since 11.01.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. On perusal of the F.I.R. and impugned order dated 02.03.2024, it appears that on the basis of written report of informant F.I.R. registered u/s 379 of the I.P.C. against the unknown person. During investigation, some parts of stolen motorcycle have been recovered from the house of this petitioner, accordingly petitioner was arrested and for that Kalyanpur P.S. Case No. 439 of 2023 was lodged and in that case petitioner has already been granted bail by this Court vide order dated 20.02.2024 passed in Cr. Misc. No. 9034 of 2024 which is annexed as Annexure-2 to this petition. Petitioner has been remanded in the present case from that case.

7. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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, Motihari, East Champaran in



connection with Govindganj P.S. Case No. 631 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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