

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31005 of 2024

Arising Out of PS. Case No.-298 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Vikram Chaudhary @ Vikram Choudhary @ Vikram Kumar, aged about 46 years, Male son of Bablu Choudhary @ Ram Saran Choudhary, Resident of Village- Lokshami Tola Daheriya P.S.- Katihar Nagar District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Katihar Nagar P.S. Case No. 298 of 2023 instituted for the offences punishable under Section 379 of the Indian Penal Code.

3. As per the prosecution case, informant namely Ahsan Ali parked his motorcycle near Janani hospital, and when he returned back there, he found that his motorcycle as described in FIR is missing. It has been stated by informant that two persons Rohit Kumar and Vikram Chaudhary were identified in CCTV footage.

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 only on the basis of suspicion. He further submits that the theft motorcycle of the informant has not been recovered from the possession of the petitioner. It has further been submitted that except suspicion nothing available on record to show the complicity of this petitioner in the alleged occurrence. Petitioner is in custody since 27.07.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Katihar dated 12.01.2024, it appears that the FIR has been lodged against two named accused persons including the present petitioner. The specific allegation is against co-accused Rohit Kumar and there is no any recovery from the conscious possession of the petitioner and no any Independent witness of the seizure list, 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, Katihar in connection with Katihar Town P.S. Case No. 298 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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