

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25613 of 2024

Arising Out of PS. Case No.-9 Year-2023 Thana- RAGHUNATHPUR District- Siwan

Masoom Ali @ Masum Ali, aged about 22 years, Male Son of Saiyad Ali,
Resident of Village - Bindawal Rasulpur, P.S. - Hussainganj, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

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

ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Raghunathpur P.S. Case No. 09 of 2023 instituted for the
offences punishable under Section 393 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per the prosecution case, four miscreants came
riding on one splendor motorcycle and give signal for stopping
and fired upon the informant with a view to snatch the
motorcycle of the informant due to which he became injured.

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 petitioner has neither arrested at the spot nor anything has been recovered from his conscious possession. Petitioner is not named in the FIR and has not put on Test Identification Parade. He has been made accused only on the basis of confessional statement of co-accused Lalu Yadav. Petitioner is in custody since 10.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan dated 23.02.2024, it appears that the name of the petitioner has been surfaced from the confessional statement of co-accused Lalu Yadav and there is nothing against the petitioner to connect in the alleged crime. Petitioner has not put on Test Identification Parade and no injury report as stated in the impugned order, 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, Siwan in connection with Raghunathpur P.S. Case No. 09 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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