

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26367 of 2024

Arising Out of PS. Case No.-17 Year-2022 Thana- JANTA BAZAR District- Saran

Safique Ali @ Safik Ansari, aged about 23 years, Male S/o- Serajuddin Ansari
@ Sarajudin Ansari, R/o- Village- Mir Hata, Bhagwanpur Hat, P.S.-
Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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

ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Janta
Bazar P.S. Case No. 17 of 2022 instituted for the offences
punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, the allegation against
the petitioner is to have taken away Rs. 78,270/- bag, two
mobiles, etc. belongs to the informant along with other co-
accused persons.

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. It is further submitted that
the petitioner is not named in the FIR. It is submitted that the



name of the petitioner has been surfaced during course of investigation only on the basis of confessional statement of other co-accused namely, Shahanwaj Ali. It is next submitted that nothing incriminating articles has been recovered during the course of investigation or possession of the petitioner, which may connect this in the present case. Petitioner is in custody since 18.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 7th Additional Sessions Judge, Saran dated 12.02.2024, it appears that petitioner is not named in the FIR. From perusal of the records, it appears that name of the petitioner has been surfaced only on the basis of confessional statement of co-accused Shahanwaj Ali. There is no Test Identification Parade has been conducted till date, no recovery from the conscious possession of the petitioner and similarly situated co-accused persons namely Ankit Kumar Singh @ Ankit Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 10800 of 2024 vide order dated 22.02.2024, 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, Saran at Chapra in connection with Janta Bazar P.S. Case No. 17 of 2022.

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 further the petitioner shall be present before the trial Court on each and every date till conclusion of proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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