

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33136 of 2024

Arising Out of PS. Case No.-547 Year-2023 Thana- ARARIA District- Araria

1.

Imroz @ Imroz Alam Son Of Ekram Resident Of Mantu Chawak Ward No. 14, Police Station - Tarabari, District - Araria
2.

Sintu @ Md. Intekhab Alam Son Of Md. Khurshid Resident Of Village - Jumman Chawak, Ward No.13, Police Station - Tarabari, District - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3

31-07-2024

Heard learned counsel for the petitioners and learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Araria (Bargachi) P.S. Case No. 547 of 2023 registered on 03.06.2023 for the alleged offences under Section 379 of the Indian Penal Code.

03. As per prosecution case, the motorcycle of the informant was stolen and the informant named the petitioners and the co-accused for the being involved in the theft. It is further alleged that the petitioners assured the informant that they would return the motorcycle but the same was not returned.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this

case. Learned counsel submits that nothing incriminating has been recovered from person or possession of the petitioners. The real fact of the case is that prior to the occurrence quarrel took place between the informant and the petitioners due to panchayat election and for taking revenge the informant falsely implicated the petitioners. This fact is apparent from the F.I.R. as occurrence has taken place on 05.05.2023 whereas F.I.R. has been registered on 03.06.2023 after much thought and deliberation mentioning even the mobile phone numbers of the petitioners. There is no explanation of the inordinate delay in lodging the F.I.R. Petitioner no. 1 is having clean antecedent whereas petitioner no. 2 is having criminal antecedent of one case.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the delay in lodging the F.I.R. and further considering possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Araria in connection with Araria (Bargachi) P.S. Case

No. 547 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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