

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36965 of 2024

Arising Out of PS. Case No.-159 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Md. Asif Alam, Son of Shamshul Alam, aged about 33 years, Male, Resident of Village- Belwa Bhagat Tola, Ward no.1, Near Masjid, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Kochadhaman P.S. Case No. 159 of 2023 instituted for the offences punishable under Sections 461 and 379 of the Indian Penal Code.

3. As per the prosecution case, it is a case of theft of various articles from the government school premises.

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. He further submits that the petitioner has not arrested at the spot rather he has been remanded in this case. Nothing incriminating articles have been



recovered from the conscious possession of the petitioner. The name of the petitioner has been surfaced in this case only on the basis of confessional statement made in other case i.e., Kasba P.S. Case No. 212 of 2023. Petitioner is in custody since 16.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary and the impugned order of the learned Sessions Judge, Kishanganj dated 12.03.2024, it appears that petitioner is not named in the FIR and nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner has been surfaced in this case only on the basis of confessional statement made in other case i.e., Kasba P.S. Case No. 212 of 2023. Similarly situated co-accused namely Md. Firdos Alam @ Firdos @ Firdosh Alam and Meraj @ Guddu @ Md. Meraj have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. Nos. 38270 of 2024 and 40836 of 2024 vide orders dated 23.05.2024 and 11.06.2024 respectively, 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



Chief Judicial Magistrate (P) Kishanganj, Bihar in connection with Kochadhaman P.S. Case No. 159 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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