

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52851 of 2025**

Arising Out of PS. Case No.-17 Year-2025 Thana- PATHAMARI District- Kishanganj

Aayub Alam S/O Ismail Miya, Resident of Village- Fulwari, PS- Pathamari,
Distt-Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Pathamari P.S. Case No. 17 of 2025 dated-12.06.2025, registered for the offences punishable under Sections 317(5), 338, 336(3) and 340(2) of the B.N.S., 2023.

3. As per allegation, the petitioner was found in possession of stolen motorcycle because he has no documentary proof regarding the ownership to the motorcycle. Even the person from whom he has purchased the motorcycle, has no document of his ownership.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that as a matter of fact, petitioner has purchased the motorcycle after paying consideration amount of Rs.20,000/- from one Alik Alam. He further submits that the maximum punishment prescribed under Section 317 of B.N.S./414 of I.P.C. is three years, in which the petitioner was not required to be taken into custody in the light of **Arnesh Kumar Vs. State of Bihar, as reported in (2014) 8 SCC 273**. However, petitioner has taken into custody. He further submits that charge-sheet has already been submitted and petitioner is ready to attend the Court, as and when required.

5. He further submits that the petitioner has been languishing in jail since 13.06.2025.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the maximum punishment of the alleged offence, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing



bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Pathamari P.S. Case No. 17 of 2025, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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