

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60119 of 2025

Arising Out of PS. Case No.-162 Year-2023 Thana- PHULWARIYA District- Gopalganj

Safi Alam Son of Hamid Miya Resident of Village - Motipur Aruchi, Police
Station - Bhore, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Phulwariya P.S. Case No. 162 of 2023 instituted for the offence
under Sections 413, 414/34 of the Indian Penal Code.

3. As per prosecution case, there is recovery of
motorcycle from the possession of co-accused person.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 24-06-2025. Petitioner
bear one criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Recovered motor cycle was not from the conscious possession of the petitioner. In fact, petitioner has no concern with the alleged recovery. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused person has been granted bail by this Court vide order dated 06-12-2023, passed in Cr. Misc. No. 78422 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwariya P.S. Case No. 162 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on



two consecutive dates, the Trial Court will have liberty to
cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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