

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84222 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- SHIKARGANJ District- East Champaran

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Mohammad Ashraf Ali S/O Aashik Ali R/o Sikarganj, P.S- Shikarganj, Distt.-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Ranjana Srivastava, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-02-2025 Heard Ms. Ranjana Shrivastav, learned counsel

for the petitioner and Mr. Jitendra Kumar Singh, learned APP

for the State.

2. The petitioner is in judicial custody in connection
with Shikarganj P.S. Case No. 03 of 2024 for the offence
punishable under Sections 112, 317(4), 317(5), 3(5) of the
B.N.S., lodged on 11.07.2024 by the informant, Sunil Kumar
Singh.

3. As per the prosecution story, the informant alleged
that in course of patrolling, came to know about the sell of a
stolen motorcycle. After getting that information, reached the
house of Ram Milan Kumar and found two motorcycles and
some persons present there who managed to escape. The local
'Chowkidar' gave the name of the accused persons including this



petitioner. This led to the F.I.R.

4. Learned counsel for the petitioner submits that a bare perusal of the F.I.R. would show that the police got information about the presence of the stolen motorcycle in the house of Ram Milan Kumar, he had no role to play in the matter and only because of local enmity, the 'Chowkidar' named him as he has criminal antecedent and is in custody since 12.07.2024 (paragraph no. 4 of the petition). The last submission is that Rajan Kumar has been granted bail in Cr. Misc. No. 78085 of 2024.

5. Learned APP for the State opposes the prayer submitting that the 'Chowkidar' has named him.

6. Considering the aforesaid submissions put forward by the parties as also the fact that the recovery/seizure is from the house of Ram Milan Kumar, the name of the petitioner has come in the statement of the 'Chowkidar', nothing incriminating has been recovered from his personal possession and is in custody since 12.07.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge,



East Champaran, Motihari, in connection with Shikarganj P.S.

Case No. 03 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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