

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36618 of 2026

Arising Out of PS. Case No.-63 Year-2026 Thana- PAHARKATTA District- Kishanganj

1. Gulshad Alam S/o Md. Afaque Alam R/o Village- Dumarmuni Haldagaon, P.S.- Paharkatta, District- Kishanganj
2. Arif @ Md. Arif S/o Noyeshad R/o Vilage-Dhulabari P.S.- Paharkatta, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Kamaluddin, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-06-2026 Heard Mr. Md. Kamaluddin, learned counsel for the
petitioners and Mr. Ram Sumiran Rai, learned APP for the State.

2. Petitioners seek bail, who are in custody since 14.03.2026, in connection with Paharkatta P.S. Case No. 63 of 2022, F.I.R. dated 14.03.2026 registered for the offences punishable under Sections 317(5), 338, 336(3), 3(5) of the B.N.S.

3. Allegation against the petitioners is that they are possessing stolen motorcycle with forged number plates and other details of the vehicle with intent to cheat in collusion with accused persons.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. It appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 12.03.2026 but the present F.I.R. was instituted on 14.03.2026 after delay of two days without giving any explanation of delay. In fact, the petitioner has purchased the motorcycle in question from co-accused person, namely, Rafiq and Rafiq has not transferred the same in favour of the petitioners. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 14.03.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Paharkatta, Kishanganj in connection with Paharkatta P.S. Case No. 63 of 2026, subject to the following conditions :-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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