

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38237 of 2026

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

Arfaz Alam S/o- Tasiruddin @ Md. Tasir RO Village- Chhagalia Ward no 10 PS-
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. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 08-07-2026

Heard Md. Kamaluddin, learned counsel for the

petitioner as well as Mr. Umanath Mishra, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 14.03.2026 in connection with Paharkatta P.S. Case No. 63 of 2026, F.I.R. dated 14.03.2026 for the offences punishable under Sections 317(5), 338, 336(3), 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, informant submits that he along with other police personnel were carrying vehicle checking at Damalbadi when at around 06:00 PM a person was apprehended who named himself Samiruddin. When questioned about the details of his motorcycle and other details he did not deliver satisfactory reply. The said motorcycle was seized and brought at the police station where at the request of petitioner to bring the necessary documents from his house, he was released.



However on verification it was found that the actual owner of the registered motorcycle was one Subhash Kumar Singh. On further enquiry it was found that the alleged motorcycle was a stolen property and its registration number was forged and further the petitioner admitted that the motorcycle was stolen with accomplice Rafique

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that one motorcycle was recovered from the possession of the petitioner and petitioner did not produce any documents with respect to the motorcycle in question. He next submits that it appears from the FIR that date of the occurrence was on 12.03.2026 but the FIR was lodge on 14.03.2026 i.e. after delay of two days without giving any reason of delay and apart from that seizure list witnesses are police personnel. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 14.03.2026.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Paharkatta, Krishnaganj in connection with Paharkatta P.S. Case No. 63 of 2026, subject to the following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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