

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42290 of 2026

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

Rafique @ Rafikul Alam S/o Mantu @ Mahboob Alam @ Mahbub Alam
Resident of Village - Dhulabari, P.S. - Paharkatta, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-07-2026

Heard Mr. Rajeev Ranjan, learned counsel for the petitioner as well as Mr. Narendra Kumar Singh, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 15.03.2026 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) and 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to the prosecution, during vehicle checking, police apprehended one Samiruddin. When questioned about the details of his motorcycle, he did not deliver satisfactory reply. The said motorcycle was seized and brought to police station and later, on verification it was found that the said motorcycle belong to one Subhash Kumar Singh who was contacted but he told that his motorcycle lay at his residence. On further enquiry it was found



that the alleged motorcycle was a stolen property and its registration number was forged. On strict interrogation the accused admitted that the motorcycle was stolen and along with him, the petitioner was also involved.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He next submits that infact the petitioner had no knowledge about the alleged motorcycle and his name transpired on the basis of confessional statement of co-accused Samiruddin and except the confessional statement of co-accused, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.03.2026.

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

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and his name transpired on the basis of disclosure made by apprehended co-accused person, 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 Chief Judicial Magistrate, Kishanganj 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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