

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34635 of 2020

Arising Out of PS. Case No.-731 Year-2019 Thana- SAHAYAK NAGAR District- Katihar

MD. MUSTAQUE S/o Md. Mustakim R/o Sharifganj, P.S.- Sahayak, Distt-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Md. Sufiyan, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 23-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under
Sections 454 and 380 of the Indian Penal Code.

Allegation against the accused persons including the



petitioner as stated in the FIR is that the informant had gone outside in between 02-11-2019 to 04-11-2019 and when he returned to his government residence, the informant found that the theft was committed in his house and during that course, cash Rs. 12,000/- as well as ornaments were taken away.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner is in custody since 06-11-2019. Charge sheet/Prosecution report in this case has already been submitted. The petitioner is not named in the FIR. The petitioner has been falsely implicated in the present case. The looted amount is said to be Rs. 12,000/- and out of which, Rs. 9,100/- is said to have been recovered from house of the petitioner. The petitioner claims that the said money belongs to his family. Neither the recovered money has been put on TIP to ascertain as to whether it is the same amount which had been looted by the miscreants nor the petitioner has been put on TIP to ascertain his participation in the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.



Considering the aforesaid facts and circumstances of the case, 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 learned Chief Judicial Magistrate, Katihar in connection with Katihar Sahayak P.S. Case No. 731 of 2019.

(Sudhir Singh, J)

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