

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24800 of 2022

Arising Out of PS. Case No.-179 Year-2020 Thana- SABAUR District- Bhagalpur

Md Akbar, Son of Buddho @ Md. Sahbaaz @ Md. Salim Resident of Village
- Bensitkar, P.s.- Lodipur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha
For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Sabour
(Goradih) P.S. Case No. 179 of 2020, dated 02.07.2020
registered for the offences punishable under Sections 461,
379, 411 and 120(B) of the Indian Penal Code.

As per the prosecution case, the petitioner is
alleged to have committed theft of aluminium utensils from
the hotel of the informant and the informant had seen the
petitioner and co-accused running away with a tempo loaded
with goods.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that he was not arrested on the spot and nothing has been recovered from him. He also submits that the co-accused Sahbaz, who was arrested on the spot with alleged recovery of case property, has already been enlarged on bail vide order dated 01.07.2021, passed in Cr. Misc. No. 13894 of 2021.

The petitioner has been languishing in jail since 06.01.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for anticipatory bail vide Cr. Misc. No. 11328 of 2021 which was rejected on 21.12.2021.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in two more cases, namely, GR No. 1885/2012 and GR. No. 606/2013.

However, the learned APP for the State vehemently opposes the prayer for bail saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court of C.B. Bharti, Judicial Magistrate, 1st Class, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 179 of 2020 dated 02.07.2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than



the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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