

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43620 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- KADWA District- Katihar

MD KARIM, Son of Ali Hushen @ Ali Hussain Resident of Village-
Shishiya, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Veena Rani Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 23.03.2021,
seeks regular bail in connection with Kadwa P.S. Case No. 83 of
2021, for the offence punishable under Section 379 of the Indian
Penal Code.

The prosecution case, in brief, is that one Ramayan
Poddar had made written report before S.H.O. Kadwa P.S
alleging therein that the petitioner had stolen away the mobile
phone from the house of one Rejaul and in course of search, he
came to know that the petitioner was seen wandering along with
the said mobile near the vehicle. It has also been alleged that



certain eatables loaded on pickup van bearing registration No. BR-11GA-3628 were also missing.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been committed in this case. He further submits that petitioner is in custody since 23.03.2021 and he has been roped in this case as the said Rejaul, whose mobile alleged to have been stolen by the petitioner, has lodged the false case i.e. Kadwa P.S. Case No. 08 of 2021 and with the said enmity, the petitioner has been roped in the present case by the informant, who is closely related with Rejaul. He further submits that he was cleaner of the said pickup van and the informant implicated him in the present case because, he knowingly not made payment of his due wages amounting to Rs. 5000/-. He further submits that informant and said Rejaul belong to the same village and due to the enmity among them, the petitioner has been made accused in the false case on frivolous allegation.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case and taking into consideration the period of custody, the petitioner, above bail, is directed to be



enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 83 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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