

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57881 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- PASRAHA District- Khagaria

MD ABJU AALAM Son of Mansur Baitha Resident of Village - Jhanjhra,
P.S.- Pasraha, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav, Adv

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Pasraha P.S.Case No.72 of 2021 registered for the offence under Sections 454,380 and 411 of the Indian Penal Code.

The prosecution case, in short, is that on 30.05.2021 one Sajbun Khatoon alongwith her family member were went to the marriage ceremony and after taking meal they return his house and they sleeping in his house. In the morning at 7.30 A.M. on 31.05.2021 she awake up in the sound of Khatpat and saw that accused Md. Abju entered into the house theft the



mobile phone of the informant, he caught hold by the informant with the help of the villagers and informed to the police and produced before the police.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that as per allegation in the FIR one mobile has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to previous enmity between the parties. He further submits that the police, after investigation, submitted the chargesheet against the petitioner on 24.07.2021 and the petitioner is in custody since 01.06.2021.

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

Considering the aforesaid facts and period of custody, 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 Judicial Magistrate 1st Class, Khagaria in connection with Pasraha P.S.Case No.72 of 2021 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

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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