

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4801 of 2023

Arising Out of PS. Case No.-188 Year-2022 Thana- KASIMBAZAR District- Munger

Md. Mustakim S/O Md. Gaffar @ Md. Gafur Resident of village- Ghosiyar,
P.S.- Kotwali, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.07.2022 in connection with Kasim Bazar P.S. Case No. 188
of 2022, F.I.R. dated 17.07.2022 for the offences punishable
under Section 379 of the Indian Penal Code.

According to prosecution case, in brief, is that in the
night of 16/17.07.2022 at about 11:00 P.M. the informant along
with his husband and children were sleeping in her room and
her nephew was sleeping in another hall. The informant heard
the sound at about 03.15 A.M. She woke up and saw 7-8 thieves
were committing theft in her house. Seeing the informant
thieves fled away by climbing the boundary wall. Thereafter,
she saw her house hold articles were scattered. She further
alleged that her ornaments of gold and silver were missing.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Md. Raja. He further submits that as per allegation as alleged in the F.I.R. that one mobile phone was recovered from the possession of the petitioner and police has claimed that the same is theft mobile. He further submits that the recovered mobile is belongs to the petitioner and in support of which he has annexed the purchase mobile receipt as Annexure-2 to this application. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner has been remanded and three other cases other than the present one as mentioned in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, 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, Munger in connection with Kasim Bazar P.S. Case No. 188 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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