

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22938 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- DEODHA District- Madhubani

ISLAMUDDIN SHEIKH @ BHIMA Son of Shamim Sheikh @ Babri Wala
@ Rawan Resident of village-Balhi Goth, Ward No. 2, P.S. Khajuri, District-
Dhanusha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Dewdha P.S. Case No. 132 of 2022 registered for the offences
punishable under Section 379 of the Indian Penal Code.

As per prosecution case, on 24.11.2022 at about
9:30 PM the informant parked his motorcycle at the gate of his
house and went inside the house and after sometime when he
came outside his house he did not find his motorcycle. Hence,
FIR has been registered against unknown thief.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and during course of
investigation he was apprehended by the police on 27.11.2022



and he made confession before the police and on the basis of said confession his name has been surfaced in the present case. Petitioner is in custody since 28.11.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from possession of the petitioner in connection with present case. He further submits that one motorcycle has been seized from possession of the petitioner for which Deodha P.S. Case No. 125 of 2022 was registered.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani in connection with Dewdha P.S. Case No. 132 of 2022, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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