

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24891 of 2023

Arising Out of PS. Case No.-583 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

1. MD. JUNAID SAH Son of Late Faruk Sah @ Md. Farukh Sah R/o Village - Maina Rahika, Baraha Tola Mirchak (Wrongly mentioned as Basir Chowk, Barha Tola), P.S.- Manigachi, District - Darbhanga
2. Md. Kalamuddin Sah @ Md. Kalamuddin Sah Son of Late Siraj Sah R/o Village - Bajitpur, P.S.- Manigachi, District - Darbhanga.
3. Laile Sah Son of Ali Hassan Sah R/o Village - Maina Rahika, P.S.- Manigachi, District - Darbhanga.
4. Md. Kadir Sah Son of Late Md. Sabbir Sah R/o Village - Maina Rahika, P.S.- Manigachi, District - Darbhanga.
5. Md. Ibrahim Sah Son of Md. Jilani Sah R/o Village - Makrampur, P.S.- Sakri, District - Darbhanga.
6. Md. Afroz Sah Son of Md. Makbul Sah R/o Village - Makrampur, P.S.- Sakri, District - Darbhanga.
7. Md. Imteyaj Ali Sah Son of Md. Makbul Sah R/o Village - Makrampur, P.S.- Sakri, District - Darbhanga.
8. Md. Irshad Ali Sah Son of Md. Makbul Sah R/o Village - Makrampur, P.S.- Sakari, District - Darbhanga
9. Md. Akbar Sah Son of Late Gayasuddin Sah @ Gayasuddin Sah R/o Village - Kothiya (Wrongly mentioned as Kodhiya), P.S.- Sakri, District - Madhubani.
10. Sher Ali Sah @ Saif Ali Sah Son of Yusuf Sah R/o Village - Kothiya (Wrongly mentioned as Kodhiya), P.S.- Sakri, District - Madhubani.
11. Md. Chhote @ Md. Chhotu Sah Son of Gulam Mustafa @ Gulam Mustaka R/o Village - Barsham, P.S.- Bheja, District - Madhubani.
12. Md. Ekbal Sah @ Md. Akbal Sah Son of Late Majeed Sah R/o Village - Birsai, P.S.- Sakari, District - Madhubani.
13. Md. Bhikhari Sah Son of Md. Akhtar Sah R/o Village - Birsai, P.S.- Sadar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Adv.
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER



4 03-08-2023

1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 22.11.2022 seek bail in connection with Laheriasarai P.S. Case No.583/2022 registered for the offence punishable under Section 380 of the I.P.C.

3. According to prosecution case, theft committed by unknown thieves in the government residential quarters of two judicial officers situated at officers' colony, Laheriasarai. The informant has stated that theft of Rs. 121/- was committed while the concerned judicial officers had gone away on the occasion of chhath Puja.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. The petitioners are not named in the F.I.R. The name of the petitioners have been transpired during investigation and the petitioners were arrested in Laheriasarai P.S. Case No. 563/2022 and nothing has been recovered from possession of these petitioners and merely on the basis of suspicion, the petitioners have been implicated in the present false and fabricated case. He further submits that from bare perusal of the F.I.R., it appears that only Rs. 121/- was missing from Puja place and the police



after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 22.11.2022.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that petitioners have carried seven criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Darbhanga in connection with Laheriasarai P.S. Case No.583/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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