

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53594 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- LODIPUR District- Bhagalpur

SAKIL @ MD SAKIL S/O DEEN MAHMAD @ DEEN MOH R/O
VILLAGE- PINAGWAN, WARD NO. 3, HOUSE NO. 127, PS.
PINAGWAN, DIST. MEWAT (HARYANA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar, Adv.

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Lodipur
P.S. Case No. 81 of 2023 registered for the offence under Sections
379, 461, 511 and 427 of the Indian Penal Code.

The petitioner is alleged to have been apprehended
while he was trying to cut the ATM machine through a gas cutter
machine during which Rs. 1,11,000/- was stated to have been
burnt and caused loss to the Bank.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
on bare perusal of the F.I.R., it appears that the petitioner has
been apprehended by the police while he was committing theft in



the ATM of SBI Bank by cutting the ATM machine through a gas cutter. He further submits that it is apparent from the F.I.R. itself that not a single penny has been looted by the petitioner but admittedly he has been arrested from the spot. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 08.05.2023.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has been apprehended by the police while trying to commit loot in the ATM of SBI Bank.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, ***after framing of charge***, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st, Bhagalpur in connection with Lodipur P.S. Case No. 81 of 2023 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 canceled 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) One of the bailors shall be the father of the petitioner, namely, Deen Mahmad @ Deen Mohd.

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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