

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61838 of 2023**

Arising Out of PS. Case No.-87 Year-2023 Thana- KATIHAR GRP CASE District- Katihar

AFTAB ALI son of Md. Sajeem Village- Dehariya Azad Chowk Ps- Katihar
Town Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 16-10-2023 Heard Mr. Bimal Kumar, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Katihar Rail P.S. Case No. 87 of 2023, registered for the
offences punishable under Section 379 of the Indian Penal
Code.

3. Allegedly while the informant was traveling by
Awadh Assam Express train on 05.09.2022, his cell phone was
stolen away by unknown thief(s) at Katihar Railway Junction.

4. It is submitted on behalf of the petitioner that
though the occurrence took place on 05.09.2022, the present
FIR has been instituted belatedly on 04.04.2023. He further
submits that during course of investigation, on the basis of



CDR/CAF location, the mobile set was found in operation and recovered from the possession of the mother of the petitioner, hence the name of the petitioner has been implicated in this case. He further submits that in fact the mother of the petitioner had purchased the said mobile from one of the villager, however, when the police during the course of investigation reached at the house of the petitioner, his mother handed over the mobile but she never said that this mobile phone had been brought by the petitioner. He lastly submits that the petitioner is a man of fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that the mobile in question has been recovered from the possession of the mother of the petitioner, coupled with the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate, Railway, Katihar in connection with Katihar Rail
P.S. Case No. 87 of 2023, subject to the conditions laid down in
Section 438(2) Cr.P.C. with the further condition that one of the
bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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