

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71991 of 2022**

Arising Out of PS. Case No.-336 Year-2022 Thana- KATIHAR NAGAR District- Katihar

KALU @ MAHBOOB ALAM Son of Akabar Ali @ Akabar Hussain @
Akbar Resident of Village- Hajipur, P.S.- Sahayak, District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Ms.Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-05-2023 Heard learned counsel for the petitioner and Ms.
Pronoti Singh, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Katihar Sahayak P.S. Case No. 336 of 2022 registered for the offences punishable under Sections 431, 379/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, As per written report of Md. Imam that in the night of 14.06.2022 in between 2-3 hours, some thieves have stolen away food-grains as well as mustard oil from the shop of the informant. The informant has suspicion that some persons including this petitioner is involved in this crime.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has come on mere suspicion. Nothing incriminating article has been recovered from the house or possession of the petitioner.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the nature of allegation showing that the name of the petitioner has transpired by way of mere suspicion and the petitioner has no criminal antecedent, therefore this Court directs that in the event of his arrest or surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Katihar Sahayak P.S. Case No. 336 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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