

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72248 of 2022

Arising Out of PS. Case No.-446 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

MD. SABIR @ INAYATULLA @ INAYTULLA Son of Md. Kabil @ Md.
Kamil R/o village - Harraikh, W. No.- 12, P.S.- Nagar, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-04-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Town P.S. Case No. 446 of 2022 registered for the offence under Sections 457 and 380 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 27.08.2022.

The allegation against the petitioner is to commit theft in the house of the informant along with other unknown accused persons, while committing so, taken away cash of about Rs. 38,35,000/- (Rupees Thirty Eight Lac and Thirty Five Thousand Only) along with jewellery made of gold, weighing about 359



grams.

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated in this case, where except confessional statement, no incriminating material appears against this petitioner. It is submitted that name of the petitioner surfaced during course of investigation, on the basis of confessional statement of co-accused, namely, Md. Aamir, in furtherance of which, no incriminating material / stolen material as alleged through FIR were recovered to connect him with present occurrence of theft. It is also submitted that alleged recovered mobile belongs to this petitioner having no connection with the alleged occurrence. It is also pointed out that only incriminating circumstances as appears against this petitioner, during course of investigation, that he was seen roaming around the house of informant on the date of occurrence, which is very natural for the reason that the petitioner is neighbour of the informant. It is also submitted that even the CCTV footage installed in the house of the informant is also not giving any clue, as regard to incrimination of the petitioner with the present alleged occurrence. It is submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that petitioner is a man of clean



antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except confessional statement, no incriminating material surfaced, during course of investigation to connect this petitioner, *prima facie*, with the alleged occurrence of theft coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Town P.S. Case No. 446 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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