

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4016 of 2024

Arising Out of PS. Case No.-135 Year-2020 Thana- TATARPUR District- Bhagalpur

Md. Mojahid S/O MD. JAINUL VILLAGE- BADRE, PS. KAHALGAON,
DIST. BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Rajendra Prasad Sah, learned counsel for
the petitioner and Mr. Anil Kumar Singh No. 1, learned APP for
the State.

2. The petitioner is apprehending his arrest
connection with Tatarpur (University) P.S. Case No. 135 of
2020, F.I.R. dated 21.09.2020 registered for the offences
punishable under Section 380 of the Indian Penal Code.

3. The F.I.R. of the occurrence of theft is against
unknown.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. Initially, the petitioner is not
named in the F.I.R. and the name of the petitioner has been
transpired during investigation on the basis that the SIM of the



petitioner was used in the looted mobile. He further submits that mobile was not recovered from the possession of the petitioner and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner having clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-7, Bhagalpur in connection with Tatarpur (University) P.S. Case No. 135 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 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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