

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23461 of 2024

Arising Out of PS. Case No.-197 Year-2023 Thana- KADWA District- Katihar

MD. SOYEB SON OF MD. ISHAQUE R/O-KHARBANA, DHERWA, P.S.-
KADWA, DISTT.-KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Kadwa P.S. Case No. 197 of 2023 dated 05.09.2023 registered for the offence/s punishable u/ss 461, 379, 413, 414, 411 and 382 of the Indian Penal Code and section 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the police party apprehended two accused persons and recovered one oxygen cylinder and two motorcycles. Thereafter the police party recovered one cell phone with equipment which were used to cut ATM Machine, from the possession of the co-accused Md. Akhtar. It is further alleged that all the accused were indulged in illegal business of cutting ATM Machine.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has surfaced in the confessional statement of the co-accused Tausif Raza. Nothing has been recovered from the conscious possession of the petitioner. A mobile phone was recovered from the house of the petitioner which was not stolen one. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Katihar in connection with Kadwa P.S. Case No. 197 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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