

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32617 of 2024

Arising Out of PS. Case No.-4 Year-2020 Thana- SITAMARHI District- Sitamarhi

Md. Sajid Ali @ Sajid Ali @ Asalam @ Md. Asalam S/o Md. Sadre Alam @
Sadre Alam Resident of Village- Mehsaul East Ward No. 12 Police Station-
Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Sitamarhi P.S. Case No. 04 of 2020, dated 03.01.2020, registered for the offences punishable under Sections 413, 414, 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that on seeing the police who were on patrolling, some persons who were on motorcycle started fleeing away. On chase, they were apprehended. They told that they have stolen the said motorcycle and had gathered there in connection with its sale. They also told that earlier also they had stolen motorcycles and



sold them in Nepal.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that no incriminating material has been recovered from his possession. The only material against the Petitioner is the confessional statement of the co-accused, which is a very weak evidence in the eye of law.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in two other cases in which he is on bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of Ld. Judicial Magistrate-Ist Class, Sitamarhi, in connection with Sitamarhi P.S. Case No. 04 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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