

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49071 of 2024

Arising Out of PS. Case No.-743 Year-2022 Thana- SHASTRINAGAR District- Patna

Md. Ehtesham @ Ehtesham Son of Abdul Qaiyum @ Qaiyum @ Md. Qaiyum Resident of Mohalla- Shahganj Chauraha, P.O.- Mahendru, P.S.- Sultanganj, Distt-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ansiur Rahman, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Shashtrinagar P.S. Case No. 743 of 2022 instituted under Sections 457 and 380 of the Indian Penal Code.

3. As per the prosecution case, the informant went his village to attend Chhath Puja on 27.10.2022. On 29.10.2022, the informant was informed by his neighbour that the doors and gates of his flat has been opened and the locks of the gate almirah have also been broken. It is further alleged that when the informant returned to his home on 01.11.2022, he found that theft has been committed in which cash and ornament have been stolen away by the miscreants.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case due to suspicion. He further submits that the petitioner is not named in the FIR and his name has been dragged in this case on the basis of confessional statement of co-accused, Md. Chand and Md. Talib with whom the petitioner has previous enmity. Learned counsel submits that no incriminating material has been recovered from the possession of the petitioner. He further submits that similarly situated co-accused persons have been granted bail by Co-ordinate Bench of this Court vide order dated 07.03.2024 passed in Cr. Misc. No.71234 of 2023. It is submitted that the petitioner has one criminal antecedent and he undertakes to cooperate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Sub-Judge-IX-cum-A.C.J.M., Patna in connection with



Shashtrinagar P.S. Case No. 743 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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