

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52791 of 2024

Arising Out of PS. Case No.-113 Year-2023 Thana- BALIA BELON District- Katihar

Md. Sabbar @ Md. Sabbak, S/O Md. Najir Alam, R/O Village- Jigin, P.S-
Baliala Belon, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Baliya Belon P.S. Case No. 113 of 2023, registered for the alleged offences under Sections 457 and 380 of the Indian Penal Code.

3. As per prosecution case, a theft was committed in the house of the informant and the thieves took away 4.5 *bhar* gold ornaments and two mobile phones from the house of the informant. The name of the petitioner surfaced during investigation as the person who committed theft in the house of the petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from the conscious possession of this petitioner. No witness has come forward to support the case of the prosecution and only on the basis of confessional statement of co-accused, the name of the petitioner has transpired in this case. The petitioner is in custody since 05.02.2024 in this case and charge sheet has been submitted. The petitioner is having antecedent of nine cases and he is on bail in seven cases.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner is a habitual offender and is accused in altogether nine cases of similar nature.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Baliya Belon P.S. Case No. 113 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure



and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not indulge in similar type of offences in future.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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