

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57747 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sabir, Male, aged about 26 years, son of Salim @ Saleem, R/O village- Dada,
Kairaka, P.S.- Nuh, Dist- Mewat, Hariyana.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the Opposite Party : Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

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

ORAL ORDER

2 05-09-2024 A supplementary affidavit has been filed on behalf of

the petitioner. Let it be kept on the record.

2. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

3. The petitioner seeks bail in connection with

Muffasil P.S. Case No. 119 of 2024 dated 09.03.2024 registered

for the offences punishable under Sections 461 and 379 of the

I.P.C. Later on, Sections 420, 467, 468 and 120B of the I.P.C.

were also added.

4. As per the prosecution case, on 09.03.2024 between

2.20 A.M. to 2.40 A.M., some unknown miscreants are alleged

to have committed theft of cash of Rs. 3,58,400/- by cutting off

ATM Machine with the gas cutter from Bankat Road, Motihari.



It is further alleged that the I.D. of AMT Machine is 71. BY000 137091) which was maintained by Hichachi Payment Services Company Ltd., and its registered office at Level-3, Silicon Yavars 23/1, Belacheri Tambaram, Main Road Publicnai, Chennai-600100, Tamilnadu.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the F.I.R. has been registered against unknown and the petitioner is not named in the F.I.R. His name has surfaced in the present case during the course of investigation on the basis of the confessional statement of the co-accused Md. Safi which has got no evidentiary value in the eye of law. It is further submitted that the co-accused persons Md. Safi and Swatantra Pratap Singh have already been granted bail by a Bench of this Court vide Cr. Misc. No. 40501 of 2024 under order dated 01.08.2024 and Cr. Misc. No. 43409 of 2024 under order dated 02.07.2024 by a Bench of this Court. It is further submitted that no T.I. Parade has been conducted to identify the real culprit of the alleged offence and only C.D.R. of mobile number shows that the said mobile is registered in the name of the petitioner. The petitioner has four criminal antecedents as stated in paragraph no. 2 of the supplementary



affidavit filed on behalf of the petitioner. He is in custody in this case since 30.03.2024.

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

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to 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 learned C.J.M., Motihari, East Champaran in connection with Muffasil P.S. Case No. 119 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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