

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64624 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- Cyber P.S. District- Katihar

Md. Jabbar @ Md. Sabbar @ Md. Sabbak @ Sabbar S/O Md. Najir @
Chamaru @ Md. Najir Alam R/O Village- Jigin (Jogin), P.S- Balia Belon,
Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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

ORAL ORDER

3 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Cyber P.S. Case No. 42 of 2023 dated 24.11.2023 registered for the offences punishable u/ss 379, 419 and 420 of the Indian Penal Code and Sections 66(c), 66(d) of the I.T. Act.

3. As per the prosecution case, unknown miscreants are alleged to have stolen the informant's mobile of Oppo Company bearing SIM Nos. 7250453617 and 7601901469 and on 01.11.2023 he again took the SIM bearing SIM No. 7250453617 from the Jio Retailer and started using it in his small mobile and on 04.11.2023, he checked his bank account



through the CSP and found that on 01.11.2023, someone withdrew Rs. 94,502/- from his bank account. When he took out the bank statement then he confirmed that the said amount of Rs. 94,502/- has already been withdrawn. Thereafter, the informant lodged the present case.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 01.11.2023 but the F.I.R. was lodged on 24.11.2023 and there is no explanation for this delay. The petitioner is not named in the F.I.R. The name of the petitioner has surfaced only on the disclosure made by one Imran Alam. Imran Alam is the neighbour of the petitioner and he has a long standing dispute over the passage of his Aangan due to which, he implicated the petitioner in the present case. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has eight criminal antecedents in which he is on bail in seven cases as stated in para 3 of the bail petition. The petitioner is in custody since 07.01.2024 and remanded in this case on 20.01.2024 since then he is in custody.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

6. 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 Court concerned, Katihar in connection with Cyber P.S. Case No. 42 of 2023 with the 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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