

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68899 of 2024

Arising Out of PS. Case No.-169 Year-2021 Thana- MADHEPUR District- Madhubani

Akbar Sah Son of Majebul Sah R/o - Bageba Bazar Tola, Ward No.13,
Mahadevmath, P.S - Andharamath, District – Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-10-2024 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Madhepur P.S. Case No. 169 of 2021, lodged on 09.10.2021,
under Sections 379 and 328 of the I.P.C.

3. As per the prosecution, the F.I.R. has been lodged
against one unknown accused person against whom there is
allegation that he provided *laddu* and drink to the informant's
son and upon consuming the same, the informant's son became
unconscious and thereafter, the accused person took a Samsung
Mobile, Auto and cash amount of Rs. 600/- from the informant's
son and fled away from there. On the next day, when the
villagers provided the medical treatment from the doctor to the
informant then he filed the case and contacted with his family



members.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioner, his name has been figured in this case only after the recovery of the said mobile phone from the possession of mother-in-law and the said mother-in-law had disclosed that this mobile phone has been provided by his son-in-law (the petitioner). Counsel further submits that the antecedent of the petitioner is not clean, there are in total four criminal cases pending against him and he is in custody since 05.04.2023.

5. Learned Counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean and allegation against him is heinous. Counsel further submits that the mobile phone is subject to theft and has been recovered from the possession of mother-in-law of the petitioner.

6. Upon specific query from the Counsel for the petitioner that what is the stage of the trial. In response thereof, Counsel submit that he is not in a position to say that what is the stage of the trial.

7. In the present facts and circumstances of this case



and the submissions made above, let the petitioner above named, be granted bail, **only three months after framing of charge, if not framed** as well as on being satisfied by the trial court that the petitioner is not absconding in any of the cases which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Ist, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No. 169 of 2021, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

8. Pending cases against the petitioner are as follows:-

- (i) Narpatganj P.S. Case No. 496 of 2021
- (ii) Narpatganj P.S. Case No. 554 of 2021
- (iii) Narpatganj P.S. Case No. 557 of 2021
- (iv) Fulkaha P.S. Case No. 147 of 2021

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(Dr. Anshuman, J.)

