

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71234 of 2023

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

1. Md. Rehan
2. Md. Farhan.
Both Sons of Kalam, Resident of Mohalla- Mohammadpur, Shahganj, P.S. -
Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Advocate
For the Opposite Party/s : Mr.Madan Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 07-03-2024 Heard Mr.Md. Anisur Rahman, learned counsel for
the petitioners and Mr.Madan Kumar,learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Shashttrinagar P.S.Case No.743 of 2022, FIR
dated 02.11.2022 registered for the offences punishable under
Sections 457 and 380 of IPC.

3. The prosecution story in brief is that the informant
Jai Prakash alleges that on 27.10.2022 at 6:00 AM. he had gone
to his village to attend Chhath Puja. On 29.10.2022 he has been
informed by his neighbour that the doors and gates of his flat
has been opened. Locks of the gate almirah have been broken.
When the informant returned on 01.11.2022 he found that theft



has been committed in which cash and ornaments have been stolen away by the miscreants.

4. Learned counsel for the petitioner submits that the petitioners have falsely been implicated in the present case. The petitioners are not named in the FIR. The name of the petitioners have been transpired on the basis of the confessional statement of co-accused persons, namely, Md.Chand and Md. Talib. Further submits that except the aforesaid, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners carry one more case of the similar nature other than the present one.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of 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 as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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