

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75584 of 2024

Arising Out of PS. Case No.-236 Year-2024 Thana- SITAMARHI District- Sitamarhi

Md Sakir Son of Md Sabbir @ Mullaji Resident of Village- Mehsaul, Ward
No. 38, P.S.& District- Sitamarahi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Sitamarhi P.S. Case No. 236 of 2024 dated 05-04-2024
instituted for the offence punishable under Sections 392 of the
IPC. Later on Sections 395 and 414 of the Indian Penal Code
has been added.

3. The prosecution case, in short, is that, on
05.04.2024 at about 12:35 hours, informant reached Sitamarhi
Bus stand from Patna by Bus at 12:35 hrs and proceeded for his
house situated at Laxminagar, Ward no. 38, Sitamarhi on foot
and in the way near the Bazaar Samiti Gate suddenly, five
miscreants groups of 20-25 years old surrounded him and
showing pistol, knife and Blade abused, assaulted and



threatened to kill him and forcibly snatched his articles and cash of Rs. 8000/- from his pocket, mobile of Redmi Company, gold ring, Aadhaar Card and PAN Card. The informant has claimed to identify the miscreants upon seeing their face.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The FIR has been lodged against unknown. The petitioner has been made accused only on the basis of the confessional statement of co-accused, namely, Md. Shan @ Ehsaan. It is next submitted that no incriminating article has been recovered either from the conscious possession of the petitioner or from his house. No Test Identification Parade has been conducted till date in this case. The petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sitamarhi P.S. Case No. 236 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



CJM Sitamarhi, subject to condition as laid down Under Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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