

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73889 of 2023**

Arising Out of PS. Case No.-17 Year-2023 Thana- NARPATGANJ District- Araria

MD. SABIR Son of Late Md. Jalil Resident of Village - Amouna, Ward No.-  
21, P.S.- Jogbani, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

3      05-03-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Narpatganj P.S. Case No. 17 of 2023 for the offence under Sections 379, 120(B) and 34 of the I.P.C. lodged on 10.01.2023 by the informant, Lalit Narayan Sah.

3. As per the prosecution story, the informant has alleged that in the night of December, 2022 his trailer was stolen and later came to knowledge that the accused persons including this petitioner were behind it, upon asking them they demanded Rs. 50,000/- and further allegation is that one Md. Rajaullab @ Chhotu Malvi took Rs. 25,000/- to return his trailer but the same was not returned and instead his motorcycle was also taken away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the main allegation is against Md. Rajaullab @ Chhotu Malvi that he took Rs. 25,000/- and also the motorcycle. So far as this petitioner is concerned, he has nothing to do with it and has been



falsely implicated. The further submission is that similarly situated Md. Sazzad has been granted anticipatory bail by a coordinate Bench vide order dated 01.11.2023, in Cr. Misc No. 68082 of 2023.

5. Let the same be kept on record.

6. Learned APP opposes the prayer stating that they demanded Rs. 50,000/-.

7. Taking into account the submissions put forward by the parties as also the fact that the allegation of taking of money and also the motorcycle is on Md. Rajaulab @ Chhotu Malvi and similarly situated Md. Sazzad has been granted anticipatory bail, as stated above, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Araria in connection with Narpatganj P.S. Case No. 17 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

**(Rajiv Roy, J)**

Adnan/-

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