

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34469 of 2025

Arising Out of PS. Case No.-410 Year-2023 Thana- DHAKA District- East Champaran

Mokhtar @ Mokhtar S/o Jumai Miyan R/o Vill- Bisarahiya, P.s- Dhaka, Dist-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Dhaka P.S. Case No. 410 of 2023 registered for the offences punishable under Section 457, 380, 354/34 of Indian Penal Code.

3. As per prosecution case, a thief entered in the house of informant and took away her mobile and Rs. 1,00,000/-. It is further alleged that in the same night, again the thief along with his one associate entered into the house of informant. One of them was on the roof of the house and another entered into the room of the informant and taking advantage of informant being



alone, he started making indecent behavior with her. On raising alarm the family members of the informant came and one person was apprehended who disclosed his name as Anwar Dewan and also disclosed the name of that person who was on the roof of the house as Moktar (the petitioner).

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Petitioner bears no criminal antecedent. Learned counsel submits in para 7 of the bail petition that the entire prosecution story is false, fabricated, concocted and baseless and the petitioner has been falsely implicated in the present case due to dirty village politics. Informant has not seen the petitioner on the place of alleged occurrence. On the basis of disclosure of co-accused Anwar Dewan, name of the present petitioner has been transpired in this case. Except the disclosure of co-accused Anwar Dewan, there is nothing on record to connect the petitioner with the alleged occurrence. Learned counsel for the petitioner further submits that the petitioner is a poor labour who works in Punjab to earn his livelihood and on the date of alleged occurrence, the petitioner was not present in



East Champaran. It has been submitted by the learned counsel for the petitioner at para 15 of the anticipatory bail petition that petitioner will not abscond or tamper with the evidence of this case. Learned counsel orally submits that the petitioner will co-operate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view the clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahana (Dhaka), East Champaran in connection with Dhaka P.S. Case No. 410 of 2023, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.



8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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