

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39006 of 2025

Arising Out of PS. Case No.-1816 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Md. Shahid Abbas S/o Late Abbas Uddin Ansari, Resident of Mohalla-
Bhikhanpur, Gumti No. 3, Islam Nagar, P.S. - Ishachak, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Subodh Singh @ Pappu Ram S/o Late Nathan Ram R/o vill - Ramsar Urdu
Bazar Road Gokul Gali, P.S.- Kotwali (Tatarpur), Distt.- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Saurav Kumar Singh, Adv.
For the State	:	Mr. Uday Pratap Singh, APP
For O.P. No.2	:	Mr. Gyanendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 15-10-2025 Heard learned Advocate for the petitioner, learned
APP for the State as well as learned Advocate for O.P. No.2.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1816 of 2022, wherein cognizance has
been taken for the offence punishable under Section 379 of the
Indian Penal Code.

3. Allegedly, on 11.08.2022, the petitioner along with
others entered into the shop of the petitioner and looted
computer, CCTV Monitor, battery, shoes, slippers and silver
coins. On objection being raised by the Guard, he was
threatened with dire consequences.

4. Learned Advocate for the petitioner submitted that



the complainant has suppressed the material fact that both the petitioner and the complainant were running the shop in question under a partnership agreement, which came to be expired on 01.04.2021 and thereafter the petitioner has only removed his goods/articles, the copy of the agreement has been placed on record as Annexure-P/2. It is further contended that with regard to an alleged occurrence, which took place on 11.08.2022, the present complaint case has been instituted on 28.09.2022 after a delay of forty days, which also smacks *malafide* on the part of the complainant. Moreover, the allegation of complainant has not found true and the cognizance has been taken only under Section 379 of the I.P.C. The petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State and the learned Advocate for the Informant vehemently opposed the bail application and submitted that the entire occurrence has been captured in a CCTV footage and taking note of the aforesaid fact, the learned Sessions Judge has refused to enlarge the petitioner on anticipatory bail. They further submitted that there are other independent witnesses to support the allegation.

6. Having considered the submissions advanced by



the learned Advocate for the respective parties and taking note of the delay in lodging of the complaint case, coupled with the agreement entered into between the petitioner and the complainant, besides the fair antecedent as also the offence under which cognizance has been taken, is triable by Magistrate, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class-cum-Additional Munsif, Bhagalpur in connection with Complaint Case No. 1816 of 2022, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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