

Katihar (S) P.S. case no. 164/2022
U/S 457, 380 of the I.P.C.
Accused Name- Md. Ali Sher @ Lakhan
P.O.-Asutosh Rai. A.S.J.-II, Katihar
A.B.P. NO. 299/2026

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IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II

DISTRICT-Katihar
(A.B.P. No. 299/2026)

In the matter of

1. Md. Ali Sher @ Lakhan aged about 40 years S/o Sk. Jamaluddin

R/o- Vill- Ghusman Garbheli, P.S. Katihar (T), District- Katihar

.....**Accused/petitioner.**

Vs

State of Bihar.....Opposite Party.

Katihar (S) P.S. case no. 164/2022

U/S- 457, 380 of the I.P.C.

Ld, advocate for petitioner- Shri S. Ansari

Ld, A.P.P. for the State- Shri Md. Azaj Alam

ORDER

08.05.2026- This anticipatory bail petition has been filed on the behalf of accused-petitioner namely 1. Md. Ali Sher @ Lakhan who is apprehending his arrest in connection with aforesaid case.

Heard the ld. counsel Shri S. Ansari appearing on the behalf of the petitioner and Ld. A.P.P. Shri Md. Azaj Alam on the behalf of the state.

According to F.I.R. prosecution case in nutshell is that informant to this case namely Md. Manirul Hassan lodged a written report before SHO Katihar Sahayak alleging therein that on dated 22/3/2022 at about 10 O'clock in night having meal he went for sleeping. When he woke up at 6 O'clock in morning then he saw that lock of door of lower floor is open then he searched his room then he found that Rs. 25000/- is missing from his pant and two mobiles worth Rs. 10000/- and one Samsung mobile worth Rs. 12,500/- and the mobile of his daughter are also missing. Further, one black coloured bycycle worth Rs. 6200/- is also found to be missing. Informant has further alleged that after the alleged occurrence he searched on net then he came into knowledge that from the mobile number of her daughter bearing number 6206760427 has been made call on another mobile number bearing 9973707596 then informant made call on number 9973707596 then his call was received and receiver told his name Md. Ali Sheikh (accused-petitioner). Accordingly, informant expressed his suspicion that mobile holder of 9973707596 namely Md. Ali Sheikh has committed theft in his house with association of some other persons.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is quite innocent and he has committed no offence and has falsely been implicated in this case. He has further submitted that the allegations levelled against the petitioner are false and fabricated and F.I.R. has been lodged under a planned way of conspiracy. He has further submitted that nothing has been recovered from the possession of this petitioner and any person has not seen the alleged occurrence

including the informant. Accused-petitioner has got four other criminal antecedent. Accordingly, it has been prayed to allow the said anticipatory bail petition.

Per Contra learned A.P.P. submitted that during the investigation one accused namely Sonu Kumar was apprehended along with one stolen mobile and he has clearly confessed that he has purchased the said stolen mobile from accused-petitioner Md. Sher Ali @ Lakhan. So, from the above facts it is quite clear that accused-petitioner has been involved in the alleged theft and several stolen articles along with cash are yet to be recovered and investigation is still pending against accused-petitioner. Accordingly it has been played to reject the bail.

Heard the both parties and perused the case record from the perusal of case record it is evident that name of present petitioner is the named accused of the F.I.R. and one of the co-accused namely Sonu Kumar who had been apprehended by the police with one stolen mobile has clearly stated in his statement that he has purchased the said stolen mobile from present petitioner namely Md. Sher Ali @ Lakhan. So, from the above facts it is quite clear that accused-petitioner has been involved in the alleged theft and several stolen articles along with cash are yet to be recovered and investigation is still pending against accused-petitioner and accused-petitioner has also bad antecedent.

So, having considered the above facts as well as submissions made by Ld. A.P.P., I am not inclined to grant the privilege of anticipatory bail to the aforesaid accused-petitioner. Hence, this anticipatory bail petition filed on behalf of the accused-petitioner namely Md. Ali Sher @ Lakhan is hereby rejected.

**Addl. Sessions. Judge-II
Katihar**

Date of Order	08.05.2026
Date of Reserving Order	N/A
Uploading Date	22.05.2026
Uploaded By	Prakash Kumar Singh, Steno D.A.S.J.-II, Katihar