

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45075 of 2014

Arising Out of PS.Case No. -107 Year- 2013 Thana -THAWE District- GOPALGANJ

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1. Mustak Alam Son of Late Abdul Manan Resident of Village -
Narayanpur, P.S. Thawe, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Nand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 19-03-2015 Heard both sides.

The petitioner seeks bail in Thawe P.S. Case No. 107 of 2013, registered for the offences punishable under Sections 394 and 411 of the Indian Penal Code.

The petitioner is not named in the FIR, but during the course of investigation one Reyazuddin was arrested and he confessed his guilt in pursuance thereof the looted motorcycle was recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the seizure list was not handover to any family member of the petitioner. At best an offence under Section 411 of the Indian Penal Code can be made out, as there is no evidence to show that the petitioner committed robbery.

On perusal of records, it appears that the informant alleged that while he was going on motorcycle three persons came and stopped him after overtaking his motorcycle. They assaulted the informant and looted away different articles, mobile and motorcycle. Reyazuddin confessed his guilt and the looted motorcycle was recovered from the possession of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

However the petitioner may renew his prayer for bail after remaining nine months in jail.

(Prabhat Kumar Jha, J.)

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