

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34230 of 2014

Arising Out of PS.Case No. -104 Year- 2014 Thana -AKBARPUR District- NAWADA

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1. Md. Sarik @ Tuptup Son of Md Zeaul Haque R/o Mohalla Baignabad,
P.S. Biharsharif, in the district of Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rana Pratap Singh, Sr.Adv. with Mr. P.N. Sharma
For the Informant	:	Mr. Amar Nath Singh, Adv.
For the State	:	Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 19-05-2015 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Akbarpur P.S.Case No.104 of 2014 registered under section 392 IPC and later on converted into section 395 IPC.

The informant alleged that he kept two bags in the dickey of the bus and proceeded to Kolkata but the criminals came on a Sumo vehicle, stopped the bus and looted away the bags containing cash of Rs.52,50,000/-. The informant suspected that Md. Gulzar, Sunil Singh and Arshad, (driver of the bus), might have committed the crime. The driver of the bus was arrested, confessed his guilt and disclosed the name of Md. Javed Mallik @ Md. Javed Alam. The call details of the mobile of Md. Javed Mallik was taken out and it was found that he had talk with the petitioner at the time of the occurrence and thereafter for quite long time. A Tower location of the petitioner and Md. Javed Mallik was also found in and around the place of occurrence.

Shri Rana Pratap Singh, learned Senior Counsel,

appearing for the petitioner submitted that there is absolutely no evidence against the petitioner. The petitioner might have talked with Md. Javed Mallik but this fact itself does not show any involvement of the petitioner.

On the other hand, learned counsel for the informant, vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the anticipatory bail petition of Md. Javed Mallik has already been rejected by order dated 21.1.2015 passed in Cr.Misc.No.30412 of 2014.

The case is under section 395 IPC and huge amount of cash was looted from a passenger of Bol Bum bus. The driver of the bus disclosed the name of Md. Javed Mallik and during the course of investigation, it was found that Md. Javed Mallik has long conversation with the petitioner and thereafter, Tower location was found in and around the vicinity of the crime

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail and accordingly, the same is **rejected**.

(Prabhat Kumar Jha, J)

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