

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51974 of 2015

Arising Out of PS.Case No. -315 Year- 2013 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

1. Wasi Akhtar Dewan son of Junab Dewan Resident of village- Viram Chowk, Pakahi Tola, P.S.- Ghorasahan, District- East Champaran (Motihari)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Ghorasahan P.S.Case No. 315 of 2013(G.R.Case No. 1365/2013)
registered for offences punishable under Sections 413, 414, 120
(B) of the Indian Penal Code.

The prosecution case as per F.I.R. is that the informant
received information from S.H.O., Ghorasahan police Station on
28.08.2013 at about 9.00 A.M., that Salman @ Baila, S/O Mustafa
Dewan has kept stolen articles in his house. On this, the informant
constituted a raiding party and reached at the house of said Slaman
@ Baila. In presence of independent witnesses, the informant



conducted raid in the house, where he found one person in suspicious condition. The informant had taken one person in captivity, who disclosed his name as Mustafa Dewan. During the course of search (i) 85 pieces of mobiles of different company (2) Jail Break Media Receiver of APPLE Mobile Company-04 pieces (3) Remote-03 pieces and (4) 48 pieces Mobile battery of different company have been recovered from that house. On demand, no paper with regard to aforesaid articles has been produced by apprehended accused Mustafa Dewan. On query, he disclosed that his son Salman @ Baila and accused Samir Alam @ Chelwa alongwith their associate petitioner-accused Wasi Akhtar Dewan and others have carried these articles after stealing the same from outside. Seeing the police party, Chelwa and Baila fled away through back door of the house. Accordingly, seizure list had been prepared, copy of which had been supplied to accused, Mustafa Dewan.

It has been submitted by the learned counsel for the petitioner that he has clean antecedent, as is evident from para-3 of this petition.

It has further been submitted that no recovery has been made from the possession of this petitioner and only on the confessional statement of the co-accused Mustafa Dewan, which

has no evidentiary value in the eye of law, the name of the petitioner has surfaced.

Be that as it may, let the above named petitioner, in the event of his arrest or surrender before the Court below within a period of six weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Sikrahana at Motihari in connection with Ghorasahan P.S.Case No. 315 of 2013 (G.R. Case No. 1365 of 2013), subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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