

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52090 of 2015

Arising Out of PS.Case No. -33 Year- 2012 Thana -BELA District- MUZAFFARPUR

Neyaz Ahmad son of Tauhid Ahmad Resident of village- Bela Dhiranpatti,
Police Station- Bela, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Ajay Kr.Jha(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-12-2015 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Bela P.S. Case No. 33 of 2012 registered for the offence
punishable under Sections 147, 148, 447, 323, 307, 379, 504,
120B of the Indian Penal Code.

The prosecution case, in brief, is that the informant
Md. Fahim gave a written report to the Officer-in-charge, Bela
Police Station alleging therein that on 30.08.2012 in the evening
police came to arrest his villager, Tauhid Ahmad and after
arresting him when the police was returning, the family members
of Tauhid Ahmad came and started creating nuisance and got him
free from the custody of the police. It is further alleged that on

31.08.2012 at about 8:00 P.M., when the informant was sitting at his Darwaja along with some villagers, named accused persons having weapons, came and started abusing and assaulted him by lathi and Imtiyaz Ahmad fired from gun and Qaisar Ali gave order to kill him on which Aftab Alam fired and seeing the assemblage of people, all the accused persons fled away. While fleeing away, Neyaz Ahmad snatched golden chain from the neck of the informant and Sonu took away bag containing cloths worth Rs. 15,000/-.

It is has been submitted by the counsel for the petitioner that the only allegation against the petitioner is of snatching golden chain from the body of the informant and no other allegation has been levelled against him, as is evident from perusal of the First Information Report. It has been submitted that the petitioner has falsely been implicated in the aforesaid case. It has further been submitted that the petitioner is innocent and has committed no offence.

Be that as it may, let the petitioner, named above, 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 bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of like amount each to the satisfaction of learned

A.C.J.M., Muzaffarpur in connection with Bela P.S. Case No. 33 of 2012, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

It is, however, made clear that the petitioner, who is an accused in one another case, bearing Bela P.S. Case No. 32 of 2012 for the similar nature of offence, if in future the petitioner indulges in the similar nature of offence, the learned court below will be at liberty to cancel his bail bond without being prejudiced with this order.

(Nilu Agrawal, J.)

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