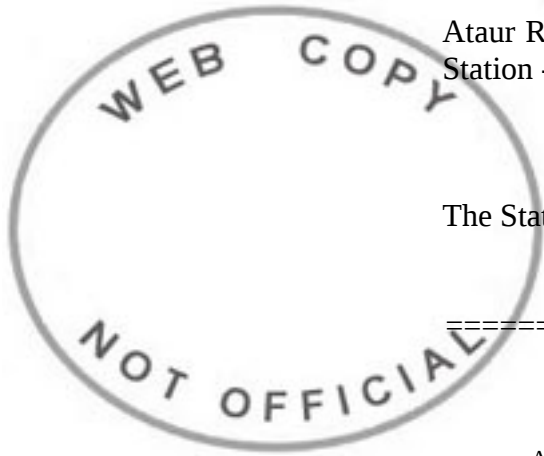




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51653 of 2015

=====

Ataur Rahman Son of Mahtab Ali Resident of village - Baliya Para, Police Station - Prampur, District - Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

with
Criminal Miscellaneous No.53760 of 2015

Arising Out of PS.Case No. -77 Year- 2015 Thana -PRANPUR District- KATIHAR

=====

Md. Hakim Son of Late Dawood Ali, Resident of Village - Balia Para, Police Station - Prampur, District - Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :
(In Cr.Misc. No.51653 of 2015)
For the Petitioner/s : Mr. Awadhesh Kumar Mishra
For the Opposite Party/s : Mr. Awadhesh Kumar Singh(App)
(In Cr.Misc. No.53760 of 2015)
For the Petitioner/s : Mr. Najmul Hoda
For the Opposite Party/s : Mr. Ajay Kumar No.2(App)

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioner and counsel

for the State in both the cases.

In this case, the Informant has lodged First Information Report stating that he was coming after selling maize with Rs. 4,80,000/- in his in his pocket and as soon as he reached near the bridge, the accused persons intercepted him and snatched



the bag containing money. The Informant and other villagers followed both the two accused persons as well as informed to the police. With the help of the villagers, and police arrested both the accused persons along with the bag and the money was recovered from the bag itself.

Learned counsel for the petitioners submits that the place of recovery does not tally with the statement made in paragraph no. 9 of the Case Diary. At the same time, the Fardbeyan has been lodged after two hours from the time of recovery of the material. Learned counsel for the petitioner Md. Hakim submits that he is a servant of the petitioner Ataur Rahman and has falsely been implicated in the present case.

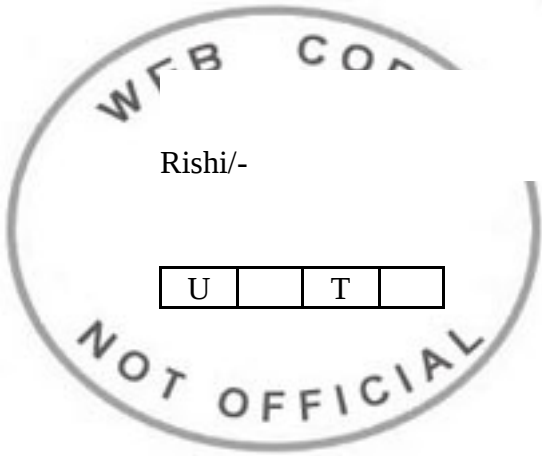
As per the material, it is clear that recovery was made from the bag while they were hiding themselves behind the bamboo clamp.

Looking to the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioners, namely, Ataur Rahman (petitioner in Cr. Misc. No. 51653 of 2015) and Md. Hakim (petitioner in Cr. Misc. No. 53760 of 2015) is rejected.

It is, however, made clear that both the petitioners

may renew their prayer for bail after nine months.



(Shivaji Pandey, J)