

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.577 of 2016

Arising Out of PS.Case No. -251 Year- 2015 Thana -ARARIA District- ARRARIA
=====

Md. Shamim S/o Md. Lukman, Resident of Village - Sandallpur, P.S. -
Araria, District - Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Binod Kumar 2 (App)
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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
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ORAL ORDER

3. 17-02-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Informant an employee of North Bihar Power
Distribution Company Ltd., Araria along with meter reader
Mithun Kumar Goswami had gone to Pack Tola Chowk, Araria
for collection of electric bill and was returning therefrom, along
with Rs. 1,50,000/- and money receipt, was intercepted by
unknown criminals who succeeded in decamping with the
motorcycle as well as money, other documents on the point of
pistol and for that F.I.R. has been registered against unknown.

Petitioner, who has got notoriety in the area was kept on
surveillance by the police and as evident from paragraph 32 of the
case diary, tower location of his mobile phone indicated his



presence in around area, the place of occurrence whereupon raid was conducted and, the petitioner was apprehended at his house. From his physical search, mobile phone were recovered while from dickey of the motorcycle money receipt book, ledger book and the voter identity card relating to nine (09) persons were recovered. The aforesaid receipt and ledger-book belongs to department and for that, on a prayer made by the department, the learned Chief Judicial Magistrate had directed the Investigating Officer to hand-over the same as is evident from paragraph 95 of the case diary. However, it is evident from paragraph 87-88 and 91 of the case diary that both the witnesses had declined to participate during course of Test Identification Parade.

For want of the same, it cannot be said that petitioner happens to be one of the culprit, though other articles has been recovered from his possession and for that petitioner happens to be in custody since 03.06.2015.

Accordingly, petitioner Md. Shamim is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 251/15.

However, taking into account the criminal antecedent of

the petitioner being indulged in similar kind of activity, it is hereby directed that the learned lower Court will fix identity of the bailors who will give an undertaking that henceforth, petitioner will not indulge in criminal activity and in case of, petitioner is found indulged in such activity controverting the same, then in that event, the matter will be taken up by the learned lower Court, who will pass appropriate order even to the extent of cancellation of bail bond.

(Aditya Kumar Trivedi, J.)

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