

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46267 of 2016

Arising Out of PS.Case No. -203 Year- 2014 Thana -POTHIYA District- KISANGANJ

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Shamim Akhtar @ Samim Aktar, son of Nasiruddin @ Md. Nasir, Resident
of Village- Eluabari (Ramganj) P.S.- Islampur, District- Uttar Dinajpur
(W.B.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Dilip Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-11-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
29.01.2016 in connection with Pothia P.S. Case No. 203/14 for
offence punishable under Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that on 13.09.2014 at 6.30 P.M. while he was returning after
selling tea leaves from Vidhan Nagar having Rs. 70,000/- in cash,
one motorcycle came in front of his pickup van. The accused
persons snatched all his cash amount and one mobile phone. After
hulla of villagers they fired two rounds, hurled bombs and having
left their motorcycle at railway line they fled away.

It has been submitted by the learned counsel for
the petitioner that he is innocent and has falsely been implicated in
the aforesaid case. He submits that the motorcycle, which was



used for committing offence, is registered in the name of his father Md. Nazir, who has filed information before Ramganj Police Station that his motorcycle has been stolen. The said information was filed by the father of the petitioner one day after the alleged date of occurrence, although the theft was committed on the same day i.e. 13.09.2014. It has further been submitted that the petitioner has not been named in the First Information Report and nothing incriminating has been recovered from the conscious possession of the petitioner.

However, learned APP for the State submits that the story of theft of motorcycle is concocted one and afterthought and that the petitioner is involved in five cases prior to the aforesaid case, which finds place in Paragraph 110 of the case diary, hence, opposes the prayer for bail.

Considering the period of custody and on perusal of materials available, does not reveal such incriminating materials to warrant further detention of the petitioner, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Pothia P.S. Case No. 203/14.

This direction of bail is further subject to the condition that the accused petitioner shall not, directly or

indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

Rajesh/-

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