

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27488 of 2016

Arising Out of PS.Case No. -183 Year- 2014 Thana -KADWA District- KATIHAR

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Taukir Alam @ Taukir @ Taukir Sekh Son of Tajmul Sekh @ Tajmul
resident of Village- Niyamatpur , Sudhani (O.P.) P.S. Barsoi, District-
Katihar

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Sri Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Kadwa (Balua belone) P.S. Case No.183 of 2014 for the
offences instituted under Sections 395, 397 of the IPC., and 3/4 of
Explosive Substance Act.

The prosecution story, in brief, is that on 29.10.2014 at
about 11.45 P.M. while the informant along with his other family
members after taking meal was sleeping, he heard sound of
breaking lock of his grill. He woke up and saw 10-12 unknown
miscreants standing there having variously armed with deadly
weapons. Some of them had covered their face with clothes and
they asked for key of Almirah of the informant in course of which

the son of the informant somehow managed to flee away. But all the miscreants broke open the almirah and box by means of an axe and took away old silver jewellery weighing 60 – 70 bhars which was of his customers. The accused persons also committed dacoity in the house of the brother of the informant, Binod Kumar and his nephew, Pradeep Kumar.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. It is further submitted that save and except the confessional statement there is no substantive evidence against the petitioner. The other co-accused, Abdul Khalique has already been granted regular bail vide Cr. Misc. No.6501 of 2015 on 19.02.2015.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R. but his name has come on the basis of the confessional statement of co-accused in course of investigation that the petitioner has actively participated in the occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected. Any how, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of the order the same shall be considered by the court below

taking into account that the other co-accused has been granted regular bail.

With the aforesaid observation, the present application is disposed of.

AnilKrSinha/-

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(Sudhir Singh, J)