

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37806 of 2016

Arising Out of PS.Case No. -133 Year- 2015 Thana -KATEYA District- GOPALGANJ

- =====
1. Saklain Son of Mustakim
 2. Dharmendra Bharati Son of Ram Bharosha Bharti Both resident of vill. Ahirouli Ray, P.S. Kaseya, District Kushi Nagar (U.P.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 21-11-2016 Heard the counsel for the petitioners and the APP for the State.

The two petitioners herein have prayed for grant of anticipatory bail in Kateya P.S. Case No. 133 of 2015 registered under section 392 IPC.

The informant alleged that after withdrawing a sum of Rs. 10,000 while he was going home, four unknown accused persons surrounded him and at gunpoint snatched his cash including the voter identity card. The FIR was, however, lodged on 11.08.2015 against unknown with regard to the occurrence of 08.08.15. Five days after the occurrence, the U.P. police, on suspicion, arrested the petitioners and one Perwej Alam from whose possession the voter I.D. card of the informant was recovered. Accordingly, Kasya P.S. Case No. 1191 of 2015 was registered, a copy whereof is placed on record by way of

supplementary affidavit. The co-accused Perwej Alam in his confession named these two petitioners. It further appears that from the person/possession of the three accused persons including the petitioner a sum of Rs. 2000/- each was also recovered.

The contention of the petitioner is that the looted voter I.D. card was recovered from the possession of Perwej Alam and not the petitioners. The amount recovered from them cannot be said to be the looted cash amount. They are friends of Perwej Alam.

Learned APP opposed the prayer and submitted that the petitioners were arrested in the second case with certain amount along with one Perwej Alam from whose possession a looted voter I.D. card was recovered. His confession therefore cannot be totally brushed aside.

Looking to the allegation levelled in the FIR and other materials reflected from the records, I am not persuaded to privilege the petitioners with anticipatory bail. Prayer is accordingly rejected.

(Kishore Kumar Mandal, J)

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