

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33942 of 2016

Arising Out of PS.Case No. -68 Year- 2016 Thana -NAUHATTA District- SAHARSA

1. Naushad Alam Son of Shekh Asin Resident of village - Nauhatta, P.S. Nauhatta, Distt. Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-08-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Nauhatta P. S. Case No. 68 of 2016 registered for the offence punishable under Sections 341, 323, 379, 427, 386/34 of the Indian Penal Code and Section 53 of Bihar Excise amendment Act, 2016.

The prosecution case is that the informant being driver of vehicle plied the passengers between Sahara to Mohanpur. On 30.04.2016 when his vehicle was plying the passengers for Sahara and reached near Mungraha bridge, all the F.I.R. named accused Suleman @ Bauka Naushad along with petitioner and two unknown youth in drunken condition stopped his vehicle and



stated assaulting him and took out chalan and cash of Rs. 2546/- from his pocket . It is also alleged that after snatching his Chalan, accused Md. Suleman committed occurrence of assault with him and also damaged the glass of vehicle. The informant has claimed that these youths are criminal minded and prior to this occurrence, they have committed same type of incident with driver of Janki Vehicle.

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 no specific allegation has been levelled against him rather it is upon one Md. Suleman @ Bauka. He further submits that no case Under Section 386 of the Indian Penal Code is made out against him neither Section 53 of Bihar Excise amendment Act, 2016 is made out against him as he had never taken any intoxicant. He also submits that no Test Identification Parade has been done and there is no recovery of any stolen articles from his possession. He also submits that the petitioner has no criminal antecedent, as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Nauhatta P.S.Case No. 68 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that since the matter is under investigation, the petitioner will co-operate with investigation and he is directed to appear before the police /court as and when required and on failure to appear on two consecutive dates without any reason will entail cancellation of his bail bonds by the learned court below, without being prejudiced with this order.

(Nilu Agrawal, J)

Sudha/-

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