

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5553 of 2016

Arising Out of PS.Case No. -133 Year- 2015 Thana -BARURAJ District- MUZAFFARPUR

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Md. Illiyas Alam Son of Md. Karmuddin Ansari

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-02-2016

The present application has been listed under the heading "To Be Mentioned" at the instance of the counsel for the petitioner.

The present criminal miscellaneous application was preferred under sections 439 and 440 of the Code of Criminal Procedure but the order dated 03.02.2016 has been typed by inadvertence of the secretary as an order under section 438 Cr. P.C. Though, the petitioner was granted anticipatory bail in connection with Baruraj P.S. Case No.133/2015.

In view of the above fact, let order no.2 dated 03.02.2016 be offloaded from the website and the internal data base. The office will not issue certified copy of order dated 03.02.2016. The order dated 03.02.2016 be now read as :-

"Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 05.11.2015 in a case registered for the offences punishable under sections 399, 402, 414, 120B of the Indian Penal Code, 25(1-B)a/26(ii)35 of the Arms Act and 20/22 of The Narcotic Drugs and Psychotropic Substances act, 1985.

Prosecution case is that the informant being a police officer on receiving information that 8-10 miscreants are preparing to commit dacoity, laid the raid leading to apprehension of five miscreants including the petitioner from whom arms, sedative tablets, injections, syringe and mobiles were recovered. From the possession of petitioner Rs.500/-, mobile and six ATM cards were recovered.

It is submitted by learned counsel for the petitioner that there is nothing on record to suggest that petitioner was using the alleged six ATM cards or ATM cards were stolen. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. Moreover, investigation has already concluded.

Considering the aforesaid fact, let the above named petitioner 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 learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Baruraj P.S. Case No.133/2015."

(Dinesh Kumar Singh, J)

Ashwini/-

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