

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54849 of 2016

Arising Out of PS.Case No. -212 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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Azad Dewan son of Ghura Dewan R/O Village- Narainpur, PS-Ramnagar,
Distt-West Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioner as well as
learned APP.

It has been alleged at the end of informant that co-accused, Khalid Anwar @ Guddu Khan was insisting upon to pay Rs. 5000/- as well as one bag of wheat per month in case, his father wants to continue with PDS dealer. As his father refused, in the aforesaid background on 11.09.2016 at about 7 PM while informant was standing at his Darwaza, the accused persons so named therein including the petitioner armed variously came. Guddu Khan fired from his pistol but the fire missed. Then thereafter, Neyaz Khan snatched away one golden chain. Petitioner along with Thhag Khan took away Rs. 5000/-.

The informant filed written report on 18.09.2016 without any explanation with regard to delay in filing. Furthermore, it has been submitted that had there been an intention at the end of the accused persons, then in that event, the informant must have been accordingly, treated. Also submitted that two



persons have been named in taking out money from his pocket which happens to be unbelievable. Furthermore, it has also been submitted that petitioner has got chequered history but in the facts and circumstances of the case, having been under custody since 18.10.2016 did justify his prayer for grant of bail.

Apart from this, it has also been submitted that mother of the petitioner had already complained against father of the informant and on account thereof, Bagaha PS Case No. 213/2016 has been registered. Therefore, in the aforesaid facts and circumstances of the case, criminal antecedent of the petitioner does not barricade his prayer for grant of bail though on that very score, been denied by the learned lower court.

Learned APP opposed the prayer and submitted that the instant case happens to be under the garb of criminality and possessing criminal antecedent justify the same.

Considering the nature of allegation inconsonance with the period of detention, petitioner, Azad Dewan is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Bagaha, Distt-West Champaran in connection with Ramnagar PS Case No. 212/2016.

(Aditya Kumar Trivedi, J)

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