

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43601 of 2016

Arising Out of PS.Case No. -104 Year- 2014 Thana -AKBARPUR District- NAWADA

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Md. Sarik @ Tuptup @ Tuktuk, Son of Md. Zeaul Haque, Resident of
Mohalla – Baignabad, Police Station – Biharsharif, Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Akhileshwar Pd. Singh, Senior Advocate.
Mr. Prabhu Narayan Sharma

For the Opposite Party : Mr. Ajay Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-12-2016 Heard Shri Akhileshwar Pd. Singh, senior counsel for the
petitioner and learned APP for the State.

The petitioner apprehends his arrest in Akbarpur P.S. Case No. 104 of 2014, registered for the offences punishable under Section 392 of the Indian Penal Code. Later on, Section 395 of the Indian Penal Code was added.

The gist of the allegation is that the informant kept two bags in the dickey of the bus. The criminals came on a Sumo vehicle stopped the bus and looted away cash of Rs. 52,50,000/-. The informant suspected that Md. Guljar, Sunil Singh and Arshad, driver of the bus, might have committed the crime. The driver of the bus was arrested and he confessed his guilt and disclosed the name of Md. Zaved Mallik @ Md. Zaved Alam. The call details of Md. Zaved Mallik @ Md. Zaved Alam disclosed that he had talked with the petitioner at the time of occurrence and after the occurrence for quite long time. The tower



location of mobile phone of the petitioner and Md. Zaved Mallik @ Md. Zaved Alam was also found in and around the place of occurrence.

Shri Akhileshwar Pd. Singh, learned senior counsel submits that the petitioner was having mobile number 9308085484 and the same number was of Abdul Samid Ansari prior to December 14.12.2014 and he purchased the same number on 14.12.2015. The petitioner had not talked with Md. Zaved Mallik @ Md. Zaved Alam during dacoity or even thereafter the petitioner has got no criminal antecedent but from perusal of the order dated 19.05.2015 passed in Cr. Misc. No. 34230 of 2014, it appears that prayer for anticipatory bail of the petitioner was rejected. From tower location, itself, it appears that the petitioner had talked with Md. Zaved Mallik @ Md. Zaved Alam during dacoity. The case is under Section 395 of the Indian Penal Code in which custodial interrogation may be required besides the petitioner may be put on test identification parade. The petitioner has already been declared absconder.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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