

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53719 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -AMAUUR District- PURNIA

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Md. Mahboob @ Karia @ Mahmood, Son of Late Taiyab, Resident of
Village Dalmalpur, P.S. Amour, District Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party : Mr. Sanjay Kumar Pandey (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Amour P.S. Case No. 109 of 2015, registered for the offences
punishable under Sections 379, 461 of the Indian Penal Code.

Allegedly, the petitioner is not named in the First
Information Report and from perusal of impugned order it reveals
that his name transpired during course of investigation and on the
basis of disclosure of spy stolen articles were recovered from the
house of the petitioner in presence of independent witnesses, but
the petitioner succeeded in fleeing away, further co-accused Md.
Alam in his confessional statement also disclosed the name of the
petitioner regarding his involvement in the alleged occurrence.



Submission is of false implication and that copy of seizure list was not handed over to any of the inmates of the house of the petitioner. The alleged search and seizure are not in accordance with law, confessional statement of co-accused Md. Alam has got no evidentiary value in the eye of law and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the stolen articles have been recovered from the house of the petitioner.

In the facts and circumstances as stated above, finding no good ground for pre-arrest bail, the prayer of pre-arrest bail of the petitioner stands rejected in connection with Amour P.S. Case No. 109 of 2015, pending in the Court of learned Additional Chief Judicial Magistrate, VI, Purnea.

(Jitendra Mohan Sharma, J.)

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