

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36165 of 2016

Arising Out of PS.Case No. -315 Year- 2013 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Samir Alam @ Chelwa S/o Mustfa Dewan R/o vill. - Pakati Tola, P.S.
Gaorasahan Distt. E. Champaran Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 22-02-2017

Heard learned counsels for the petitioner and
the State.

The petitioner renewed his prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 413, 414 and 120B of the Indian Penal Code.

The prosecution case, as per the FIR, is that
the informant being the SHO, Ghorasahan police station received
information on 28.08.2013 at about 9.00 A.M. that Salman @ Baila,
S/o Mustafa Dewan has kept stolen articles in his house. On this
information, the informant constituted a raiding party and reached at
the house of said Salman @ Baila. In presence of independent



witnesses, the informant conducted raid in the house, where he apprehended one person in suspicious condition, who disclosed his name as Mustafa Dewan. During the course of search 85 pieces of mobiles of different company, four pieces of jail break media receiver of APPLE Company, three pieces of remote and forty eight pieces of mobile battery of different company have been recovered from the said house. On demand, no document with regard to the aforesaid articles has been produced by apprehended accused Mustafa Dewan. On query, he disclosed that his son Salman @ Baila and Samir Alam @ Chelwa, the petitioner and others have kept those articles after stealing the same from outside. Seeing the police party, Chelwa and Baila flee away, Accordingly, seizure list was prepared.

It is submitted by learned counsel for the petitioner that, though, the person who was apprehended from the alleged house was his father but the recovery was made from the joint family house and co-accused Wasi Akhtar Dewan has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 51974 of 2015.

Considering the fact that the recovery has been made from the house of the petitioner and the case of the petitioner is on different footing to that of co-accused Wasi Akhtar Diwan since the petitioner has serious criminal antecedent, who has been



granted anticipatory bail, this Court is not inclined to revise the earlier order.

However, let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Ghorasahan P.S. Case No. 315 of 2013 pending in the court of learned Chief Judicial Magistrate, Motihari, East Champaran.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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