

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52508 of 2018

Arising Out of PS.Case No. -10 Year- 2018 Thana -DIGHALBANK District- KISANGANJ

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Md. Hakim, son of Afsar Ali, Resident of Village - Maltoli P.S. -
Dighalbank, District - Kishanganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amal Kumar Sinha, Advocate.

For the Opposite Party : Mr. Arun Kumar Singh -5, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 413 and 414/34 of the IPC.

The prosecution story, in brief, is that on 10.02.2018
at about 3.40 A.M., the informant, Sanjay Kumar Yadav, A.S.I.
Dighabank P.S., was on night patrolling alongwith other police
personnels saw that two persons near the house of Md. Hakim
were going with pump sets. On seeing the police, they started
fleeing but caught hold by the police. On query, they told their
names as Md. Hamid, Md. Shamim respectively. On search of Md.
Hamid, 7 notes of Rs. 500/- and one blue coloured CD pump set
and from Md. Shamim, 4 notes of Rs. 100/- and one Mobile set



was found. They could not produce the documents regarding pump set, they revealed that they alongwith one Md. Anwar, Md. Akbar Ai, Rafique were going to sell that pump.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. His name has come on the basis of confessional statement of co-accused Md. Hamid. The stolen property is alleged to have been recovered from possession of co-accused, namely, Md. Hamid and Md. Shamim. No stolen property is alleged to have been recovered from possession of this petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Kishanganj, in connection with Dighabank P.S. Case No. 10 of 2018, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

