

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22232 of 2018

Arising Out of PS.Case No. -209 Year- 2017 Thana -SHRIKRISHNAPURI District- PATNA

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Akbar Shamim, S/o Late Md. Shamim Ahmad, Resident of Mitra Compound, Boring Road, P.s. Buddha Colony, District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pranav Kumar Jha, Advocate.

For the Opposite Party : Mr. Shailendra Kumar -2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323 427, 504 of Indian Penal Code and 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on 08.08.2017 at 9.30 P.M. in the night, while Gautam Singh, the informant was returning from his duty by vehicle then in West Boring Canal Road near Himgiri Apartment, accused persons stopped their vehicles in front of vehicle of the informant. On protest, accused persons abused and assaulted the informant. Mobile of the informant was also damaged by the accused persons. In the



meantime, police reached at the place of occurrence and appended one person, namely, Nishant Niraj.

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 name of the petitioner has come on the basis of seized motorcycle in question. The petitioner is said to be the owner of the motorcycle in question. The vehicle was given by the petitioner to co-accused Nishant Niraj for his personal use. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

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 Special Judge, Excise Act, Patna, in connection with S.K. Puri P.S. Case No. 209 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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