

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18830 of 2018

Arising Out of PS. Case No.-396 Year-2017 Thana- JOKIHAT District- Araria

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1. Jahangir, S/o Mojib,
 2. Farmuz @ Farmuz Alam S/o Feku,
 3. Dilwar S/o Sahbuddin,
- All are R/o Village- Bhuna, P.S.- Mahalgaon (Jokihat), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar -3
For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 17-04-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Jokihat (Mahalgaon) P.S. Case No. 396 of 2017 registered for offences under sections 395, 397 of the Indian Penal Code.

An allegation has been made in the First Information Report that on 12.12.2017 at about 11.30 Hrs., some persons entered into the house of the Informant and started committing dacoity and caused serious injury. The accused persons were in between 20-25 years of age and they have looted away the valuables kept by the Informant.



The police after four days, in the restatement, recorded the name of the present petitioners who are brother-in-law and sons of brother-in-law. When the Informant could know about involvement of the present petitioners in this case, he himself filed an application before the learned 3rd Additional Sessions Judge, Araria wherein he has stated that all the persons named by the police are his close relatives and they are not at all involved in the offence alleged by him and they are known to him from earlier.

Learned counsel for the petitioners submits that there is no allegation made by the Informant that the accused persons had entered into the house covering his face. The police, after 4-5 days of the occurrence, in the re-statement, has recorded the names of the present petitioners. He has further submitted that it was the voluntary action of the police of mentioning the name of these petitioners as it will be absolutely clear that when the Informant could know about giving the name of these petitioners, he straightway approached to the court and made a statement that he has not implicated these petitioners as they are known to him from earlier.

Looking to the entire facts and circumstances of the case, let the petitioners, namely, 1. Jahangir, 2. Farmuz @



Farmuz Alam and 3. Dilwar in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 396 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shivaji Pandey, J)

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