

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50393 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- KATIHAR GRP CASE District- Katihar

Atabul Rahman S/o Mahtab Ali, R/o Vill.- Baliapara, P.S.- Prampur, District-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-10-2018 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Katihar Rail P. S. Case
No. 48 of 2018 instituted for the offence under Section(s) 394
Indian Penal Code.

It is alleged in the written report that while the
informant was boarding the train two miscreants took away his
bag containing Rs. 50,000/- at the point of arms. It is alleged
that informant sustained injury during the occurrence.

Learned counsel for the petitioner has submitted that
FIR has been lodged against unknown.

The police has apprehended the petitioner on
suspicion and thereafter recorded his confessional statement.



There is no recovery of any incriminating article from possession of petitioner.

Learned APP for the State has submitted that one blue colour bag and Rs. 7000/- have been recovered from possession of this petitioner. The aforesaid articles were put on T.I.P. and informant has identified those articles.

Learned counsel for the petitioner has submitted that seizure list is part of the FIR from which it would appear that aforesaid articles have been recovered from the furniture shop of this petitioner. It has further been submitted that informant has not mentioned any denomination of the notes or description of the bag. Informant has merely alleged that miscreants have snatched his bag which contained Rs. 50,000/-.

In the seizure list, it is mentioned that one bag with logo of VIP and 70 number of notes of 100 denomination total Rs. 7000/- has been recovered from furniture shop of this petitioner and those articles were put on T.I.P. and the informant has identified those articles belonging to him.

This Court after perusing the FIR and the production cum seizure list finds that bag and the money is recovered from the furniture shop of this petitioner. There is no description given in the written report of the bag and the denomination of



the notes. Informant has identified those notes and the bags belonging to him during T.I.P.. This Court is of the view that correctness of the identification can properly be adjudicated in the trial. At this stage, this Court does not find any identification mark mentioned in the fardbeyan of the informant with regard to bag and the money which is alleged to have been snatched from the petitioner. It is mentioned in para 3 of the bail petition that petitioner has clean antecedent.

Petitioner is in custody since 28.6.2018

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Railway Judicial Magistrate, Katihar, Dist. Katihar, in connection with Katihar Rail P. S. Case No. 48 of 2018 subject to the condition that both the bailers shall be the close relative of the petitioner.

(Sanjay Priya, J)

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