

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9652 of 2020

Arising Out of PS. Case No.-149 Year-2019 Thana- AMAUR District- Purnia

Md. Rahim @ Rahim Sagar @ Rahim, aged about 25 years, Male, Son of Md. Quadir, R/o Village Bhawanipur, P.S. Amour, District Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 02-07-2020 Heard Mr. N.K. Agrawal, the learned Senior Counsel

for the petitioner, Mr. Sanjay Kumar Tiwary, the learned

Additional P.P. and Mr. Hemant Kumar, the learned counsel for

the informant through video conferencing.

The petitioner seeks bail in Amour P.S. Case No.149
of 2019, registered under Section 394 of the Indian Penal Code
and 27 of the Arms Act.

The informant alleged that he was working in the
jewellery shop of his maternal uncle. On 22.09.2019, he was
going from the house of his maternal uncle to Kishanganj for
purchasing articles on his Glamour motorcycle with his staff
Pankaj Choudhary. The informant was having Rs.4,00,000/- in a
black colour bag in the dickey of the motorcycle. When they
reached near Badhwa Tola, some insecticide bit in his stomach



and he stopped his motorcycle. In the meantime, one FZR blue motorcycle on which two persons were riding parked the same in front of the motorcycle of the informant. Both the accused persons started abusing. The accused assaulted him with small iron weapon. The informant fell down on the ground. The accused persons snatched the key of his motorcycle and took out the bag containing Rs.4,00,000/- from the dickey of the motorcycle and fled away. The accused persons also fired which hit on his leg and thigh.

Mr. N.K. Agrawal, the learned Senior Counsel for the petitioner submits that the petitioner is not named in the FIR. During the course of investigation, one Pankaj Choudhary confessed his guilt in para 39 of the case diary. Pankaj Choudhary disclosed the name of the petitioner. On such disclosure, the petitioner was also apprehended and he is said to have disclosed the entire manner of occurrence and the place where he had kept money. On the disclosure made by the petitioner in para 98 of the case diary, the house of the petitioner was searched and from a bag, Rs.70,000/- each note of 500 denominations was recovered in presence of brother and wife of the petitioner. The bag is also said to have been recovered at the disclosure made by the petitioner. It is submitted that the seizure



list has not been prepared in accordance with law. The informant did not disclose the denomination of looted money in the FIR and there is nothing on record to show that the looted money was recovered from possession of the petitioner. The petitioner is in jail since 04.10.2019 and thus, the petitioner deserves bail.

On the other hand, the learned Additional P.P. as well as the learned counsel for the informant opposed the prayer for bail and submitted that the petitioner himself confessed his guilt and on the basis of his confession, part of the looted money was recovered from the house of the petitioner in presence of his brother and wife. The bag containing money was also recovered at the instance of the petitioner. The petitioner has got criminal antecedent.

Taking into consideration the facts that although the petitioner is not named in the FIR but the petitioner was taken on remand on the basis of the disclosure made by Pankaj Choudhary. The petitioner himself confessed his guilt and in pursuance of the disclosure made by the petitioner, part of the looted money was recovered from the house of the petitioner in presence of his wife and brother. The bag containing money was also recovered from the place where the petitioner had thrown the same. Besides these facts, the petitioner has got criminal



antecedent and he is accused in as many as seven criminal cases.

Taking into consideration the facts, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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