

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21265 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- JIYAPOKHAR District- Kishanganj

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MD. AKHTAR ALAM @ MD. AKHTAR HUSSAIN S/o Md. Kalo
Muhammad R/o Village- Majbhitta, P.S.- Jiyapokhar, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar
For the Opposite Party/s : Mrs.Pronoti Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 24-09-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Jiyapokhar P.S. Case No. 4 of 2020 registered for the offence punishable under Sections 147, 149, 341, 323, 324, 307, 332, 333, 353 and 120B of the Indian Penal Code.

An Incharge Assistant Sub-Inspector of Sashastra Seema Bal is the informant of the case. He has alleged that when they were guarding the Indo-Nepal border, they found some persons coming towards Indian border from Nepal with a herd of cattle. Some of them were slowly moving in separate motorcycles and they appeared to be engaged in smuggling of cattle. They were intercepted by the informant whereafter they started abusing the team of Sashastra Seema Bal and entered



into scuffle with them. In the meanwhile certain persons came in two motorcycles, one of them attempted to snatch from an official of Sashastra Seema Bal, his firearm. Another person assaulted him with rod in the head of said official namely Wasim Akram. The other personnel of Sashastra Seema Bal rushed in rescue of the injured official. In the meanwhile, the miscreants summoned other 15 to 20 accomplices. The members of the force thereafter attempted to take back the firearm, which was snatched from the injured official. In the meanwhile, several other persons came. There is allegation that one of the miscreants assaulted another official with iron rod in his head. The snatched firearm was however somehow or the other with the use of force was taken back by the members of the Sashastra Seema Bal.

Case Diary has been called for, digitalized copy of which is there on record, which I have carefully perused. The miscreants had subsequently fled away after leaving behind the two motorcycles.

Name of the petitioner has surfaced in course of investigation, who was arrested. There are confessional statements of the petitioner and others, which corroborates the allegation in the F.I.R.



Considering the seriousness of the allegation, as disclosed in the F.I.R., I am not inclined to grant the petitioner privilege of regular bail for the present.

This application is accordingly rejected.

(Chakradhari Sharan Singh, J)

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