

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22989 of 2020

Arising Out of PS. Case No.-179 Year-2019 Thana- AMAUR District- Purnia

MD. ALAM GIR @ ALAM Son of Md. Khalil @ Khali Resident of Village-
Dalmalpur, P.S.-Amour, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 19-10-2020 Heard Mr. Vikram Deo Singh, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with
Amour P.S. Case No. 179 of 2019, registered for the offences
punishable under Sections 395 and 397 of the Indian Penal Code
1860.

The allegation as per the First Information Report is
that on 25/26.11.2019 about 10-15 miscreants entered into the
house of the informant by breaking lock of the grill and after
having overpowered the informant and his wife, they assaulted
them with iron rod, *katta*, *kathi* etc. and looted ornaments and
Rs.1,00,000/- cash. It has further been alleged that they also



assaulted son of the informant and looted the goods being kept for marriage of the daughter of the informant.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as there was no eye witness to the occurrence. Learned counsel further submits that name of the petitioner has transpired on the basis of confessional statement of co-accused Jitendra Bishwas. The statement of the petitioner has also been recorded.

Learned counsel for the State, on the other hand, vehemently opposes the prayer for regular bail and submits that petitioner has got criminal antecedent having similar nature of the case pending against him. Learned counsel further submits that during course of investigation, the Police recorded confessional statement of co-accused Jitendra Bishwas and on the basis of CDR of Mobile phone, it appears that the petitioner and other accused persons were having regular contact with each other during the commission of crime and location of Mobile Phone was showing near the place of occurrence. Learned counsel also submits that a sum of Rs.17,500/- has been recovered from possession of the co-accused Jitendra Bishwas and Rs.10,000/- from possession of the petitioner.

Having heard learned counsel for the parties and



taking into consideration the materials on record and the fact that petitioner has got criminal antecedents, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, prayer for regular bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after six months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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