

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23229 of 2020

Arising Out of PS. Case No.-269 Year-2019 Thana- BARSOI District- Katihar

MD. ILAYASU @ MD. ILASU Son of Late Sattar R/O- Dhatha, P.S.- Barsoi,
Distt.- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in Barsoi P.S.
Case No. 269 of 2019 registered under Section 392 of the
Indian Penal Code.

Prosecution allegation, in short, is that the accused
persons looted a sum of Rs. 74,000/-, Aadhar Card and voter ID
in the case.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R.. The name of the petitioner has transpired in course of investigation. The allegation of recovery of looted Aadhar Card and voter ID card from the house of petitioner is denied by the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R. The F.I.R. was instituted against three unknown persons who are alleged to have looted 74,000/-, Aadhar Card and voter ID. Subsequently, in course of investigation, two witnesses who were there at the place of occurrence and whose statements are recorded in paragraphs 9 and 10 of the case diary have stated that the petitioner participated in the alleged occurrence of loot and paragraph 35 of the case diary is the seizure list of the Aadhar Card and the articles which are said to have been recovered from the house of this petitioner.

Considering the same, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected. If the petitioner surrenders in the Court below and prays for regular bail, the same shall be considered on its own merit without



being prejudiced by this order.

(Sudhir Singh, J)

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