

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39807 of 2021**

Arising Out of PS. Case No.-102 Year-2021 Thana- KRITYANAND NAGAR District-  
Purnia

NASIR ALAM Son of Manzar Alam Resident of Village- Fariyani, P.S.-  
Srinagar, District- Purnea.

... .. Petitioner/s

Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr. Umanath Mishra

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      17-11-2021                  Heard learned counsel for the petitioner and the State.  
                                         Petitioner seeks regular bail in a case registered for  
the offence punishable under Section 392/411 of the Indian  
Penal Code.

As per the prosecution case, on 08.03.2021 at 9-9.30 hours the informant along with her family members were returning after withdrawing money from the bank and reached near Kharkatta bridge two unknown miscreants riding on motor cycle snatched the aforesaid amount of Rs. 20,000/- and fled away. While fleeing one of the miscreants fell down, who was identified by the local people as Bittu Kumar. Petitioner was arrested on the basis of confessional statement of co-accused, Bittu Kumar and on identification of this petitioner and Bittu Kumar looted money was recovered from a maize field.

Learned counsel appearing for the petitioner submits that petitioner is not named in the FIR. The name of petitioner has come in this case during the course of investigation in the confessional statement of co-accused, Bittu Kumar. No



incriminating article has been recovered from the possession of the petitioner and till date the petitioner has not been put on Test Identification Parade. It is further submitted from perusal of FIR it appears that that date of alleged occurrence is mentioned as 08.03.2021 whereas information about the alleged occurrence received by the P.S. as well as time of lodging of FIR is mentioned as 09.03.2021 at 11 O'clock which itself creates doubt. It appears from arrest memo of Bittu Kumar that he was arrested on 09.03.2021 at about 1.30 O'clock whereas from perusal of seizure list it would appear that the same was prepared on 09.03.2021 at 6.15 O'clock. Petitioner claims clean antecedent and is in custody since 09.03.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that on the basis of identification of this petitioner and co-accused, Bittu Kumar, looted money was recovered.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

**(Prabhat Kumar Singh, J)**

BKS/-

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