

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35807 of 2020

Arising Out of PS. Case No.-370 Year-2019 Thana- SAKRA District- Muzaffarpur

MD. NAUSAD Son of Late Abdul Salam Resident of Village- Gausi Khan,
P.S.- Kurhani, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-05-2021 Heard both sides.

The petitioner apprehends his arrest in Sakra PS case
No. 370/2019 registered under Section 379, 420, 328, 307/34 of
the IPC.

The informant alleged that his brother got down from
the train and picked up a Scorpio vehicle but on way the persons
sitting in the Scorpio offered cold drink to the passengers. The
brother of informant also took cold drink and became
unconscious. Other persons sitting in the Scorpio snatched all
the articles of the brother of the informant.

The learned counsel for the petitioner submits that
petitioner is not named in the FIR. During the course of
investigation, the name of the petitioner surfaced in the case but
there is no tangible material to show the involvement of the



petitioner. No stolen article was recovered from the possession of the petitioner but it appears that petitioner has got criminal antecedent and he is accused in two other criminal cases registered u/s 392, 395 of the IPC and under different Sections of the Arms Act. It is a case of looting of passenger after intoxicating him. The offence is of very serious nature and the petitioner has got criminal antecedent.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this court and dispose of the bail petition, preferably, on the same date.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

