

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37355 of 2020

Arising Out of PS. Case No.-107 Year-2019 Thana- BAUSI District- Purnia

SAHBAJ ALAM @ SAHBAJ Son of Md. Bajru Rahman, Resident of
Village- Asja Mobaiya (Tarabari), P.S.- Baisi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.

For the Opposite Party/s : Mr.Murlidhar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-06-2021 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Baisi P.S. Case
No.107 of 2019 registered under Section 394 of the Indian Penal
Code.

The informant alleged that while he was carrying
money in his bag, three persons came on a motorcycle and
snatched away his bag containing Rs.2,09,790/-.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has in fact committed no offence.
During the course of investigation, Minhaj Alam (co-accused)
was apprehended and from his possession the motorcycle of the
petitioner was seized. The motorcycle is said to be used in the
crime. It is submitted that Minhaj Alam happens to be the co-
villager and friend of the petitioner. He had given his

motorcycle to Minhaj Alam for purchasing medicines. It is submitted that Minhaj Alam (co-accused) has already been granted regular bail by a coordinate bench of this Court.

It appears that besides the fact that the motorcycle of the petitioner was used in the crime, the C.D.Rs. of the mobile of Minhaj Alam and the mobile of the petitioner were taken away and it was found that both were talking to each other in and around the place of occurrence.

Taking into consideration the facts aforesaid, 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 regular bail of the petitioner on its own merit without being prejudiced from the order of this Court and taking into consideration that Minhaj Alam (co-accused) has already been granted regular bail.

(Prabhat Kumar Jha, J)

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