

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6041 of 2021

Arising Out of PS. Case No.-336 Year-2019 Thana- BELHAR District- Banka

MD IKRAM S/o Md. Daraz Resident of Vill.- Bishanpur, P.S.- Asarganj,
Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Adavocate

For the Opposite Party/s : Mr. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-04-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Belhar P.S. Case No. 336 of 2019 registered for the offence punishable under Section 398 of the Indian Penal Code and Sections 25 (1-b)a, 26, 35 of the Arms Act.

As per the prosecution case, allegation against the petitioner is of bank robbery. Petitioner along with five co-accused persons were apprehended by the police while they had



planned and tried to loot the bank. On search one country made pistol along with cartridge was recovered from the possession of one *Md. Siddique*, another country made pistol was recovered from the possession of *Md. Aurangjeb* along with a cartridge. One country made pistol was also recovered from the conscious possession of the present petitioner. One cartridge was recovered from the possession of *Sanjoy Das* and one cutter, one board of registration number of the vehicle and a motorcycle was recovered.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He is quite innocent and has been falsely implicated in this case merely on the basis of suspicion. He submits that on perusal of the FIR it is apparent that the informant is the S.H.O of the Belhar Police Station and after arresting the accused persons, a false prosecution story has been cooked up by him without any cogent evidence. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in Para 3 of this bail application and he is



languishing in custody since 31.10.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Belhar P.S. Case No. 336 of 2019.

Learned Trial Court is directed to verify the criminal antecedent of the petitioner before accepting the bail bond.

(Anjani Kumar Sharan, J)

GAURAV S./-

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