

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9130 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- ADAPUR District- East Champaran

MD. KALAM @ KALAM MIAN S/O MULAJIM MIAN @ MOLAJIM
MIAN RESIDENT OF VILLAGE - NAYAK TOLA, P.S. - ADAPUR,
DISTRICT - EAST CHAMPARAN.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-08-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Adapur PS Case No. 74 of 2020 registered under Sections 324, 307, 394 of the IPC and Section 27 of the Arms Act.

There is allegation that while the informant, a Jeweler, was returning, when he has been accosted by some persons on motorcycle. The miscreants have opened firing upon his nephew upon his abdomen and leg, and they have decamped with the jewelry worth Rs. Five lakhs.

It is submitted by learned Counsel for the petitioner that the petitioner is not a named accused. He has been remanded in this case after being arrested in Adapur PS Case No. 88 of 2020. There is



no recovery of any incriminating material and neither has he been put on T. I. Parade. The petitioner is stated to be in custody since 7.7.2020 after his remand in the instant case.

Case diary had earlier been called for. Referring to the same learned APP points out that witnesses have supported the occurrence in para 61. In para 69 the I.O. has mentioned that upon arrest of the petitioner in connection with Adapur PS Case No. 88 of 2020 looted articles of this case have been recovered from him.

This fact is disputed by learned Counsel for the petitioner. Referring to the statement recorded in para 162 it is submitted that even if the jewelry was recovered, the same was required to be put on T. I. Parade.

Considering the rival submissions, this Court, for the present, is not inclined to allow the prayer.

The prayer for bail is rejected.

(Madhuresh Prasad, J)

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