

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22752 of 2021

Arising Out of PS. Case No.-711 Year-2020 Thana- NAWADA District- Nawada

MD.BABLU @ BABLU @ BABLI SON OF AHMAD HUSAIN RESIDENT
OF MOHALLA- MOGLAKHAR, P.S.- NAWADA (BUNDEL KHAND
O.P.), DISTRICT- NAWADA.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Deepak Kumar, Advocate.
For the State	:	Mr. Shyameshwar Dayal, A.P.P.
For the Informant	:	Mr. Radhy Shyam Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

8 17-01-2022 The applicant/accused in Crime No.711 of 2020 registered with Police Station-Nawada (Bundelkhand O.P.) for the offences punishable under Sections 396/397/412 of the Indian Penal Code, by this application is seeking his release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicant/accused. He argued that the applicant is named in the crime in question only on the basis of the confessional statement of one of the accused Rahul Kumar. Except this, there is no iota of evidence against the applicant to connect him with the crime in question. The mobile phone allegedly seized from the applicant belongs to the applicant.

As against this, the learned A.P.P. relying on the counter



affidavit filed by the Investigating Officer argued that the crime in question is serious and the applicant is having criminal antecedents. He further argued that mobile phone seized from the applicant shows that he was constantly in contact with the main accused even prior to the incident or after the incident. It is further argued that the applicant has confessed the crime before the police so also the main accused.

I have considered the submissions so advanced and also perused the materials placed before me.

The F.I.R. of the crime in question is lodged by Satya Nand Prasad. He stated that there was an armed dacoity in his house in the night hours of 11.08.2020 and in that armed dacoity the dacoits had killed his son Roshan Kumar. It is further alleged that mobile phones of the family members and other articles including CCTV camera were looted in the dacoity.

Perusal of the counter affidavit filed by the Investigating Officer shows that there is evidence of dog tracking. The sniffer dog entered in the house of the co-accused Rahul Kumar. Blood stained clothes apart from the looted mobile phones came to be seized from the co-accused Rahul Kumar. It is further seen that the applicant was then apprehended and cell phone came to be seized from the applicant. As argued by the learned A.P.P., on



the basis of the counter affidavit, there is evidence regarding communication between the present applicant and the main accused Rahul Kumar prior to the incident and after the incident. Crime in question is serious. Son of the informant was killed in the armed dacoity. There is evidence to connect the applicant with the crime in question. The applicant is having criminal antecedents. No case for grant of bail to the applicant is made out. Therefore, the application is rejected.

(A. M. Badar, J)

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