

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29607 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- KAHALGAON District- Bhagalpur

IKRAMUL @ MD EKRAMUL HAQUE Son of Idris @ Sk Idris Resident of
Village - Khanpur, P.S. - Pirpainty, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-01-2022 Due to the third wave of COVID-19 Pandemic, the matter
is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

Learned Counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Kahalgaon (Shivnarayanpur) P.S. case No.01/2020 registered
under Section 392 of the Indian Penal Code and Section 27 of the
Arms Act, pending in the court of C.J.M., Bhagalpur.

Prosecution case, in short, is that three unknown
miscreants looted DIGI track machine by terrorizing the labourers.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the prosecution case, three unknown persons are said to have looted DIGI track machine. There is no recovery of any incriminating article from the possession of the petitioner.

On behalf of the State, it is submitted that though the petitioner is not named in the F.I.R., but in course of investigation an independent eye witness in paragraph 24 of the case diary is said to have identified the petitioner in committing the robbery.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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