

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24573 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- ARARIA District- Araria

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Ehtesham @ Ehtesham Alam Son of Mohiuddin Resident of Village - Belbari,
Ward No.- 15, P.S.- Bairstgachi, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 30562 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- ARARIA District- Araria

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Fajlu @ Fajlur Rahman Son of Tajuddin Resident of Village - Belbari , Araria
Basti, W. No.14, P.s.- Araria (Bairstgach), Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 24573 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 30562 of 2022)

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Araria (Bairstgachi) P.S. Case No. 96 of 2022 lodged under

Sections 394 of the I.P.C.

As per the prosecution case, the informant's 'fard-e-byan' has been recorded that in the morning of 01.02.2022, he was returning home on his motorcycle after collecting money, then 2 persons overtook the informant's vehicle and confronted making allegation that informant has caused accident and running away after the said accident. In the meantime, a black car reached at the place of occurrence and the informant was forcefully pushed in the said car. Thereafter, the driver and one accused person sat in the car. It was further alleged that the person sitting in the car snatched Rs. 1,65,000 /- from the informant and dropped him at an abandoned place, from there he reached police station and informed about the incident. Upon which the police, on the basis of the information provided by informant chased the vehicle and arrested the driver (petitioner of Cr. Misc. No. 24573 of 2022), as such the F.I.R. has been lodged.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 01.02.2022 having clean antecedent and charge sheet has already been filed in this case. Learned counsel also submits that the allegation of

snatching money from the informant is not correct. Recovery of Rs. 25,000/- from the house of petitioner of the first case is also not correct. Learned counsel further submits that the petitioner was not put on T.I.P. and the motorcycle used in the crime was also not recovered from his possession.

Learned counsel for the petitioner of Cr. Misc. No. 30562 of 2022 submits that petitioner was not apprehended from the place of occurrence and his name has been figured in this case by virtue of confessional statement of the co-accused. He further submits that police has shown recovery of motorcycle of the informant, not from his conscious possession, but the said motorcycle was alleged to be kept outside the house. He submits that petitioner is in custody since 08.02.2022 and he has filed a supplementary affidavit by which he informed to the Court that there is one criminal case pending against the petitioner, in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that it is a case in which recovery of looted money as well as motorcycle has been made on the basis of confessional statement made by the petitioner of first case Rs. 25,000 /- cash has been recovered from the box kept at the house of the petitioner. He further submits that on the basis of

confessional statement, the recovered motorcycle was recovered near the house of the petitioner number 2. Upon specific query, whether charge has been framed or not, learned counsel submits that charge has not been framed till date.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and the bail petition is hereby rejected. Liberty is hereby granted to the petitioner that he may renew his prayer for bail 6 months after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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