

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41114 of 2021

Arising Out of PS. Case No.-51 Year-2021 Thana- RAFIGANJ District- Aurangabad

SIKANDAR KHAN Son of Md. Nur Alam Khan @ Mohammad Noor Alam
Resident of Village- Charkuppa, P.S.- Rafiganj, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 26-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Rafiganj P.S. Case No. 51/2021 registered for the offences
punishable under Sections 411, 353 and 307/34 of the Indian
Penal Code 1860.

The prosecution case, as per the First Information
Report, is that the informant got information that some
miscreants were going towards Rafiganj in a looted Maruti
Artica Car, and on such information, the Police Party reached
near Rafiganj bus stand and saw that one white coloured Maruti
Artica was coming towards the chowk and upon signal given by
the Police, the driver raised the speed of the car and tried to dash
the Police personnel. It has further been alleged that while



chasing the car, the miscreants dashed the passersby, due to which, many persons received injuries and one of them namely, Nasrin died on way to the hospital.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to oblique motive by the Police. He further submits that nobody has identified the petitioner coming out of the car and the CCTV footage obtained by the Investigating Officer has not been confronted by any of the independent witnesses. He next submits that the petitioner is in custody since 21.2.2021.

On the other hand, learned counsel for the State submits that in paragraph-11 of the case diary the Police has categorically stated that from the CCTV footage it was evident that the petitioner was coming out of the stolen car and on spot he was caught by the Police and from his possession, a country made pistol and one live cartridge was recovered, for which, Rafiganj P.S. Case No. 53 of 2021 was lodged against him. He further submits that owner of the stolen Maruti Artica Car identified his car and produced all the papers of the same. The petitioner has criminal antecedents inasmuch as nine criminal cases have already registered against him.



Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner was identified in the CCTV footage coming out of the stolen car, he has got criminal antecedents and in the opinion of the Court he appears to be a habitual offender, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected.

Let the trial be expedited by the trial court.

(Anil Kumar Sinha, J)

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