

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42484 of 2022

Arising Out of PS. Case No.-389 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Md Dablu @ Abdul Rab Son of Late Md. Abdul Kayum Resident of Village -
Hussainpur, P.s.- Mojahidpur, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. A.G., APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 04-11-2022 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
Nathnagar (Madhusudanpur) P.S. Case No. 389 of 2021 lodged
under Sections 394 of the I.P.C. and under Section 27 of the
Arms Act.

As per the prosecution case, F.I.R. has been lodged
against unknown criminals. Allegation of robbery is there in the
F.I.R. and gunshot firings were made by the unknown criminals,
upon the informant and his relatives. Allegation of snatching
motorcycle, gold chain, mobile, watch, ring, silver chain, other
documents, cash etc. is there.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that petitioner's name has been figured in this only due to the
reason that one of the said looted mobile was recovered from

the possession of the present petitioner. He further submits that petitioner is in custody since 08.05.2022 having one criminal case pending against him, in which he is on bail and charge sheet has already been filed in this case. Learned counsel submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. He submits that in paragraph 52 and 53 of the case diary, the statements of the witnesses are there that from the house of the Md. Jebrail, two persons came out and they identified the said person as Md. Nisar, but petitioner was not been identified. Learned counsel further submits that T.I.P. did not take place. He submits that the only material against the petitioner is that, the recovery of robbed mobile has been made from the possession of the petitioner, which he purchased from a bus driver, without knowing that it is a looted mobile.

Learned counsel for the State opposes the prayer for bail and submits that the robbed mobile has been recovered from the possession of the petitioner.

Upon specific query, whether charge has been framed or not, learned counsel submits that as per his knowledge, charge has not been framed in this case.

In the present facts and circumstances of this case and

the submissions made above, I am not inclined to grant bail to the petitioner. Liberty is hereby granted to the petitioner to move for bail 6 months after framing of charge. If trial shall not be concluded then Trial Court is directed to release the petitioner on bail, thereafter imposing its own conditions on the petitioner, so that, he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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