

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54060 of 2021

Arising Out of PS. Case No.-783 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RICKY ALAM SON OF MD. KHURSHID ALAM RESIDENT OF
MOHALLA- AIJAJI MARG TILAK MAIDAN, P.S- TOWN, DIST-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mazharul Hassan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-04-2022

Heard learned counsel for the parties.

The petitioner is in judicial custody in connection
with Town P.S. Case No. 783 of 2020 instituted under Section
379/34 of the Indian Penal Code.

As per the prosecution story, the petitioner boarded an
Auto in which already two ladies and two male persons were
sitting. As she alighted at Saraiyaganj and was making payment
to the Auto Driver, one person took out Rs. 1,50,000/- and
'Aadhar Card' from the pocket and fled away. The Auto Driver
also tried to flee but was apprehended. Accordingly, the seizure
list was prepared and the accused persons were arrested. The
petitioner herein is the driver of the said auto in which accused
persons were sitting from before. The bail application in



paragraph-3 of the bail application shows that the petitioner does not have any criminal antecedent. However, a bare perusal of the order of the learned Sessions Judge shows that he is an accused in Town P.S. Case No. 384 of 2020 under NDPS Act.

When confronted, learned counsel for the petitioner then submits that he has filed supplementary affidavit bringing on record the said fact. The fact that the petitioner is an accused under NDPS Act is part of the learned Session's Judge order which must have been perused by the learned counsel for the petitioner before he drafted the bail application. Even when the matter was taken up it was not initially informed to the Court that there is a lacuna in the bail application which has been corrected by filing of supplementary affidavit.

This attitude of the learned counsel for the petitioner, Mr. Mazharul Hassan is deprecated and is cautioned to be careful in the future.

So far as this bail application is concerned, in view of the fact that not only he was the Auto Driver, who was carrying the accused persons but also ultimately tried to decamp with Rs. 1,50,000/- and the "Aadhar Card" from the pocket of the informant and further that he is an accused in Town P.S. Case No. 384 of 2020; this Court is not convinced with the arguments



put forward by the learned counsel for the petitioner.

The bail application is accordingly, rejected.

(Rajiv Roy, J)

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