

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13111 of 2023**

Arising Out of PS. Case No.-337 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

NOORSHAD @ DON @ NURSHED @ NOORSHAD ALAM @
NOORSHAD DON Son of Matiur Rahman Resident of Village- Pothimari
Jagir, P.S.- Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 15.01.2022, in connection with Kochadhaman P.S. Case No. 337 of 2021 giving rise to S.Tr.No.138 of 2022, F.I.R. dated 13.12.2021 for the offences punishable under Sections 392,402,412 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegation against the petitioner in nut shell is that four accused persons came on two motorcycles Shahnaj Fuel Centre BPCL Rahamatpada Petrol Pump. Two persons stopped his motorcycle near Nozel man Govind Yadav and two persons entered office of Petrol Pump and by showing fear of Gun they looted Rs.5,90,000/- kept in the locker of the table and



Rs.12,000/- from Govind Yadav who is employee of this petrol pump and an Oppo mobile.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the petitioner has remanded from Kochadhaman P.S. Case No.346 of 2021 in the present case and till date no TIP has been conducted by the prosecution.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and it has come in para-43 of the case diary that Rs. 80,000/- has been recovered from the house of the petitioner and para-57 of the case diary reveals that C.D.R. location of the petitioner was found at the place of occurrence and apart from the aforesaid the petitioner carries sixteen more cases other than the present one and out of sixteen cases, in six cases the petitioner is on bail.

6. In view of the aforesaid, recovery has been made from possession of the petitioner, petitioner is named in the FIR and the C.D.R. location of the petitioner suggests that the petitioner was present at the place of occurrence, hence, I am



not inclined to enlarge the petitioner on bail in connection with
Kochadhaman P.S. Case No. 337 of 2021 giving rise to
S.Tr.No.138 of 2022 pending in the court of learned Additional
Sessions Judge-1st-cum-Special Judge, Kishanganj.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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