

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7272 of 2023

Arising Out of PS. Case No.-61 Year-2021 Thana- PAHARKATTA District- Kishanganj

MD. BELAL @ MD. BILAL @ BELAL S/o Shahi Hussain @ Bilatu
Khairbari, Bakrichara, P.S.- Pothia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and Section 25(1-b)A, 26, 35 of the Arms Act.

Allegedly, petitioner along with other accused persons are said to have conspired to commit dacoity. On the basis of secret information, the police reached the place of occurrence. After seeing the police, some of the persons fled away whereas some co-accused were apprehended by the police and disclosed the name of the petitioner as their associate. On search, a country made pistol, 315 bore live cartridges, one automatic pistol, a knife and other incriminating articles have been recovered from



the spot.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has been falsely implicated in this case due to ulterior motive. It is further submitted that at the time of occurrence, he was present in Coimbatore, Tamil Nadu, for his treatment. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He was not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended persons which has no evidentiary value in the eye of law. Petitioner has three criminal antecedents as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposed the prayer for bail.

Considering the facts and circumstances of case, as petitioner has three criminal antecedents of similar nature of offence under Section 392 of the Indian Penal Code, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.



However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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