

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8700 of 2024**

Arising Out of PS. Case No.-171 Year-2023 Thana- PALASI District- Araria

Md. Mumtaz @ Md. Mumtaz Alam Son Of Late Tahsil R/O-Bijwar, P.S.-  
PALASI, Distt.-ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kishore Bharti, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      26-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner is apprehending arrest in connection with Palasi P.S. Case No. 171 of 2023 lodged on 02.06.2023 for the offences punishable under Section 392 of the Indian Penal Code pending before the learned Judicial Magistrate 1<sup>st</sup> Class, Araria.

3. As per the prosecution story, FIR has been lodged against the present petitioner along with 3-4 unknown accused persons. The allegation against the present petitioner is that first he has taken information about the location of the informant and then 3-4 unknown persons came and stopped informant's motorcycle and looted Rs.80,000/- cash, 3 kg. silver and 3 *bhars* gold jeweleries and one mobile phone from him on gun point and thereafter, fled away.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that nothing incriminating has been recovered from the possession of the petitioner and his name has come in this case only on the basis of the suspicion. Counsel further submits that the criminal antecedent of the petitioner is clean.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that on the previous occasion, case diary has been called for and as per the rejection order, it is clear that the petitioner has played the role of liner for commission of the crime. Counsel also submits that case diary reveals that the looted articles have been recovered but not from the possession of the present petitioner.

6. In the present facts and circumstances, this Court is of the view that though no looted materials have been recovered from the petitioner's possession but the event of loot is true and the petitioner has played the role of liner and hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is **hereby rejected**.

**(Dr. Anshuman, J.)**

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