

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20175 of 2024

Arising Out of PS. Case No.-396 Year-2023 Thana- FALKA District- Katihar

Md. Riyaz SON OF MD. NAJIR RESIDENT OF VILLAGE- KALKAPUR
KATHOLIYA, PS- BARARI, DISTT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Rahmatullah
For the Opposite Party/s : Mr.Nand Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Falka
(Pothia) P.S. Case No. 396 of 2023 dated 09.11.2023 registered for
the offences punishable under Sections 395, 397, 364 and 120B of
the I.P.C.

3. As per the prosecution case, on 08.11.2023, while the
informant alongwith the businessman, namely, Wazir Alam, who
was with cash of Rs. 10,00,000/- reached '*Kalu Baba Asthan*',
some unknown miscreants surrounded them and snatched the key
of the vehicle and threatened to kill him. They also assaulted the
informant and asked him to give Rs. 10,00,000/-. He said that he
had no money and perhaps the money was in possession of the
businessman. Thereafter, the miscreants took his Rs. 750/- and



mobile of *Cellector* Company. Somehow, the businessman called police and police came and apprehended the co-accused Md. Sarfraz and Rajesh Kumar and from possession of Md. Sarfraz, one mobile phone was recovered and police has also recovered Pick-up and on their disclosure, Kundan Kumar, Md. Raju @ Tajmul, Md. Raza @ Rajjak and Md. Yusuf were apprehended and from their possession, two mobile phones and one motorcycle were recovered and the co-accused Md. Yusuf and Md. Sagir were also arrested by police and from their possession, one country made pistol, mobile phone, one cartridge and motorcycle were recovered and on their disclosure, the petitioner was arrested and from his possession, Mobile of *Cellector* Company and Rs. 750/- were recovered and police also arrested Md. Sakim and from his possession, one mobile phone of *Vivo* Company was recovered and one motorcycle was also recovered from both possession.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is general and omnibus allegation against nine accused persons. No T.I. Parade was conducted to ascertain the real culprit of the alleged crime. The police has arrested the petitioner as he was standing at the place of occurrence. No incriminating article has been recovered from possession of the petitioner. The said mobile phone belongs to the



petitioner. Similarly situated co-accused has already been granted bail by this court vide order dated 14.05.2024 passed in Cr. Misc. No. 22288 of 2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. As per the impugned order, the petitioner is in custody since 09.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, 1st Class, Katihar in connection with Falka (Pothia) P.S. Case No. 396 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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