

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22288 of 2024

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

Md. Sakim, age 23 years, Male, son of Md. Tamizuddin @ Tazimuddin, R/o-
Kabar Jhunjhuna, P.S.- Barari, Dist- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

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

ORAL ORDER

3 14-05-2024 This matter has been listed under the heading ‘For
Orders (on office notes)’.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. 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.

4. 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 at ‘*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 has no money and perhaps the money is 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, Md. Riyaz was arrested and from his possession, Mobile of *Cellector* Company and Rs. 750/- were recovered and police also arrested Md. Sakim (petitioner) and from his possession, one mobile phone of *Vivo* Company was recovered and one motorcycle was also recovered from both possession.



5. 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. As per the F.I.R., the miscreants took the mobile phone of the petitioner which was of *Cellector* company whereas police recovered mobile phone from possession of the petitioner which was of *Vivo* Company. The said mobile phone belongs to the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 10.11.2023.

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

7. 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, Katihar in connection with Falka (Pothia) P.S. Case



No. 396 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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