

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25250 of 2024

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

Sarfaraj @ Md. Serfaraz S/O Md. Razaque R/O Village- Kalkapur
Kathautiya, P.S- Barari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Jai Narain Thakur

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

ORAL ORDER

4 22-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular 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 and Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, 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 has no money and perhaps the money is in possession of the businessman. Thereafter, the miscreants took his Rs. 750/- and mobile of Collector Company. Somehow, the businessman called police and police came and apprehended the petitioner Md. Sarfraz and Rajesh Kumar and from possession of Md. Sarfraz (the petitioner), 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 Collector Company and Rs. 750/- were recovered and police also arrested co-accused, 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. Nothing has been recovered from the conscious possession of the petitioner. The other co-accused person has already been granted bail by this court *vide* order dated 11.07.2024 passed in Cr. Misc. No. 33218/2024. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 10.11.2023

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 Court concerned, 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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