

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28814 of 2024

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

Md. Sagir, age 21 years, Male, Son of Abdul Kashim @ Abul Kashim, R/O
Village - Kabad, Anarkol, 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. Suresh Prasad Singh, A.P.P.

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

ORAL ORDER

3 18-07-2024 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, when
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 *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 (petitioner) 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 the 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. It is submitted that there is general and omnibus allegation against nine accused persons. No incriminating article



has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in the present case only on the basis of suspicion alleging therein that after seeing police, he started flee away from the place of occurrence. As per the seizure list, it appears that one live cartridge and one motorcycle was recovered from possession of the petitioner and looted pick-up van was recovered from the possession of the co-accused Md. Sarfaraj and cash of Rs. 750/- and mobile was recovered from the possession of the co-accused Md. Riyaz. The other co-accused Md. Sakim has already been granted bail by a Bench of this Court vide Cr. Misc. 22288 of 2024 under order dated 14.05.2024. 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.

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, 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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