

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49041 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- AAJAM NAGAR District- Katihar

Md. Akil @ Sekh Akil, aged about 48 years, Gender-Male, Son of Late Sirajuddin, Resident of Village - Pariharpur, P.S.- Azamnagar, District - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md. Helal Ahmad, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Azamnagar P.S. Case No. 98 of 2024 dated 09.03.2024 registered for the offences punishable under Sections 395 of the I.P.C., 27 of the Arms Act and $\frac{3}{4}$ of the Explosive Substances Act.

3. As per the prosecution case, on 08.03.2024, 20-25 unknown miscreants holding lethal weapons are alleged to have entered the house of the informant with deadly weapons and committed dacoity of jewellery, cash, a mobile phone, D.V.R. and other articles from his house and fled away.

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 the occurrence took place on 08.03.2024 as to when the F.I.R. has been lodged on 09.03.2024 against unknown accused persons. The petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of the confessional statement of the co-accused Jakir Hussain which has got no evidentiary value in the eye of law. It is further submitted that no T.I. Parade has been held to ascertain the involvement of the petitioner in the alleged offence. The articles which were stolen by the miscreants have not been recovered from the possession of the petitioner. However, the police has submitted a seizure list regarding of a false recovery from the house of the petitioner of the following articles i.e., one loaded Magazine alongwith auto pistol, one loaded Magazine alongwith five live cartridges, cash Rs. 8,000/- from the bed of his room, one country made katta and one Vivo Mobile set and one pair of silver payal. The other co-accused person, namely, Shekh Naimuddin @ Naimuddin @ Nemuddin @ Paikar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 57510 of 2024 under order dated 27.08.2024. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in



custody in this case since 13.03.2024.

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 C.J.M. Katihar in connection with Azamnagar P.S. Case No. 98 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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