

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75863 of 2023

Arising Out of PS. Case No.-816 Year-2022 Thana- ARARIA District- Araria

=====

MOKIM @ MOKIM REZA SON OF LATE SHARIF RESIDENT OF
VILLAGE - RAMPUR MOHANPUR, P.S. - ARARIA (BAIRGACHHI),
DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha, Advocate

For the Opposite Party/s : Mr.Sucheta Yadav, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 07-03-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Araria PS case no. 816 of 2022, disclosing offences
punishable under Sections 395, 397 of the Indian Penal Code.
3. At the outset, learned counsel for the petitioner
seeks to made some corrections in the paragraph no. 1 of the
petition.
4. Let the same be done during the course of the day.
5. The prosecution story, as per the First Information
report, is that on 21.09.2022, the informant was carrying 6 ton
iron rod on his tractor for transporting it from godown of Rajesh
Sharma. When the tractor approached near Araria Belwa bridge,



two persons riding on a motorcycle, stopped the informant's tractor and in the meanwhile, one Scorpio came from backside and stopped in front of his tractor. Two persons sitting on the motorcycle assaulted the informant, snatched cash amount of Rs. 2,000/- and subsequently, the accused persons fled away with the tractor of the informant. Miscreants were talking with one Hasim on mobile and informed that work has been done.

6. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been made accused on the basis of confessional statement of co-accused Md. Hasim. He also submits that co-accused Nasir, from whose possession alleged iron rod has been recovered, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.01.2024, passed in Cr. Misc. no. 78867 of 2023.

7. On the other hand, learned counsel for the State, referring to the case diary, submits that in the confessional statement of co-accused Md. Hasim, petitioner's name has been disclosed and has also been disclosed that the alleged iron rod has been unloaded in a godown at Rampur. The petitioner and other accused persons are having criminal antecedents also.



8. I have heard learned counsel for the parties and gone through the materials on record including the impugned order. From perusal of FIR and impugned order, it transpires that serious allegation of loot and assault has been levelled against the accused persons. The name of the petitioner has been disclosed in confessional statement of co-accused Hasim, on whose disclosure, looted articles has been recovered by the police. The learned Sessions Judge, Araria has opined that the petitioner and others are the member of an active gang of looters. The petitioner is also having criminal antecedent.

9. Accordingly, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

10. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

rinkee/-

U		T	
---	--	---	--

