

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 86356 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- KOTWA District- East Champaran

NASIM MIAN @ NASIM ALAM @ NASIM MIYAN @ NASIM AHAMAD Son of Sarfuddin Miyan R/o vill - Ghiwadhar (Givadhar), P.S. - Harsidhi, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Madhurendra Kumar, Advocate

For the Opposite Party/s : Ms Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

4 **26-04-2024** Heard learned counsel for the petitioner and the learned APP for the State.

2 The petitioner seeks anticipatory bail in connection with Kotwa PS Case No 94 of 2023 registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code lodged on 11.03.2023 by the informant Md Akhtar.

3 As per the prosecution case, the informant alleged that while he was moving on a pick up van loaded with chicken worth Rs 2,33,301/-, a Bolero vehicle overtook him, 8-10 persons came out, abused and beat him. Some of the accused persons were identified by him as they belong to his maternal grandmother's home, the petitioner being one of them. The assault made on the body by sharp cutting weapon made him lose consciousness. When he regained consciousness, he found himself lying near Madhubani Ghat and the accused persons had disappeared along with pick up van. On the basis of GPS



present in the pick up van, it was found that the same is being unloaded at the house of Aliyas and Naseem. This followed the FIR.

4 Though learned counsel for the petitioner tries to impress upon the Court that in the case of Afsaar Khan (Cr Misc No 54991 of 2023 disposed of on 25.08.2023), it has been incorporated that the unloading was made, amongst others to the house of the petitioner, no such unloading actually took place to the house of the petitioner.

5 Learned APP, on the other hand, submits that a bare perusal of the allegation would show that the unloading took place at the house of Aliyas and also this petitioner and, as such, there is direct allegation against the petitioner.

6 In view of the aforesaid allegation, that has come against the petitioner, it would be appropriate that he seeks bail. This anticipatory bail application stands rejected.

7 If the petitioner surrenders within four weeks from today, the Court concerned shall take up the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

M.E.H./-

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