

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86241 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- KORHA District- Katihar

Md. Sahanawaj Alam @ Md. Faiz Son of Md. Moinuddin R/o vill - Sikkat,
P.S. - Barari, Distt. - Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 86372 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- KORHA District- Katihar

Deepak Kumar Munda @ Deepak Munda S/o Sukhdev Munda R/o Village-
Bridawan Kolasi, P.S- Korha, dist- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 86241 of 2023)

For the Petitioner/s : Mr. Binit Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

(In CRIMINAL MISCELLANEOUS No. 86372 of 2023)

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and learned
APP for the State in both the cases.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Korha P.S. Case No. 180 of 2023 registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code and Sections 25(1-B), 26 and 35



of the Arms Act. The petitioner Md. Sahanawaj Alam has got one criminal antecedent whereas the petitioner Deepak Kumar Munda has no criminal antecedent.

3. As per the prosecution story, on 08.05.2023 the informant, who is owner and driver of the tractor, after loading 206 bags of maize crops had proceeded for his home Khairiya. It is alleged that when he reached near Pandit More, two motorcycle borne persons overtook his tractor and parked the motorcycle in front of his tractor, in the meantime four more persons came from behind and on gunpoint they abducted him and also snatched his mobile phone and Rs. 500 from his pocket. It is further alleged that the accused persons took him from one place to another and were threatening to kill him if he raises any alarm. It is alleged that they left him at an unknown place from where he reported the occurrence to the Police Station.

4. Learned counsel for the petitioners jointly submit that the petitioners are innocent, they have been falsely implicated in this case and there is no material to suggest involvement of the petitioners in the alleged abduction of the informant and taking away of his loaded tractor. Learned counsel for the petitioners further submit that the name of the



petitioners has transpired in the confessional statement of the co-accused, hence they deserve privilege of pre-arrest bail.

5. Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners. It is submitted that the allegations in the FIR are serious in nature. The informant being owner and driver of the vehicle had been abducted by the miscreants and then his tractor, which was loaded with 206 bags of maize crop was taken away, later on the informant was freed and left at a place from where he reported the occurrence to the Police Station. Later on the tractor and fifty one bags of maize crop have been seized. Referring to the seizure list dated 10.05.2023, learned A.P.P. submits that fifty one bags of maize were recovered from the house of the petitioner Deepak Munda, therefore it is not only a case of involvement of the petitioner on the basis of a confessional statement of the co-accused rather the said confessional statement has led to recovery of the looted maize bags.

6. The tractor was also seized from Village Sikkat and the petitioner Shahnawaz Alam is a resident of Village Sikkat.

7. Having regard to the facts and circumstances of the case, the allegations being serious in nature and there being some materials to connect the petitioners, at this stage, this



Court is not inclined to grant privilege of anticipatory bail to the petitioners. The prayer is refused.

8. In case the petitioners surrender and pray for regular bail in the learned court below within a period of four weeks from today, the prayer for regular bail shall be considered on their own merit.

9. These applications stand dismissed.

(Rajeev Ranjan Prasad, J)

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