

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84546 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- SIMULTALLA District- Jamui

Nasim Ansari @ Naim Ansari Son of Ishak Ansari Resident of Village -
Kewal Fariatta, P.S.- Khaira, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-02-2025 Heard the parties.

2. The petitioner is in custody in connection with Simultala P.S. Case No. 35 of 2024 for the offence punishable under Sections 392, 395, 412 of the IPC lodged on 03.04.2024 by the informant, Manish Baske.

3. As per the prosecution story, the informant alleged that while moving through the Ghorparan Forest, the accused person assaulted and snatched his motorcycle, as also the mobile phone. This led to the FIR.

4. The case of the petitioner is that though he is in custody since 20.05.2024, no TI parade conducted nor anything has been recovered from his conscious possession, though his confessional statement has been recorded.

5. Learned APP has taken this Court to the Sessions



Judge order to show that it was this petitioner who took away the motorcycle after tying the informant to the pole and later the Police intercepted and recovered the stolen motorcycle. At this stage, learned counsel for the petitioner submits that in the said recovery/seizure, a separate case was lodged in which he has been granted bail.

6. This Court is afraid, only because in a different case lodged, the motorcycle was recovered/seized, that cannot be a ground in the present case to submit that nothing has been recovered from his conscious possession. In that background, the case of the petitioner can be differentiated from Bharat Rai (Cr. Misc. No. 84050 of 2024) which was presented by the petitioner counsel to show that one of the accused has been granted bail.

7. In that background, for the present, this Court is not inclined to extend him the privilege of bail, which is accordingly rejected.

(Rajiv Roy, J)

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