

Ikramul @ Md Ekramul Haque vs The State Of Bihar on 17 January, 2022

Author: Sudhir Singh

Bench: Sudhir Singh

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29607 of 2021
Arising Out of PS. Case No.-1 Year-2020 Thana- KAHALGAON District- B
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IKRAMUL @ MD EKRAMUL HAQUE Son of Idris @ Sk Idris Resident of
Village - Khanpur, P.S. - Pirpainty, District - Bhagalpur.

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 17-01-2022

Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP for the State through virtual mode.

Learned Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection with Kahalgaon (Shivnarayanpur) P.S. case No.01/2020 registered under Section 392 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of C.J.M., Bhagalpur.

Prosecution case, in short, is that three unknown miscreants looted DIGI track machine by terrorizing the labourers. Patna High Court CR. MISC. No.29607 of 2021(2) dt.17-01-2022 It has

been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the prosecution case, three unknown persons are said to have looted DIGI track machine. There is no recovery of any incriminating article from the possession of the petitioner.

On behalf of the State, it is submitted that though the petitioner is not named in the F.I.R., but in course of investigation an independent eye witness in paragraph 24 of the case diary is said to have identified the petitioner in committing the robbery.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J) Narendra/-

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