

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 5774 of 2016

Arising Out of PS.Case No. -150 Year- 2014 Thana -BAIKUNTHPUR District- GOPALGANJ

=====

Munna Mian @ Mohd. Munna Son of Hafiz Mian @ Mohd. Hafiz,
Resident of Village - Safiyabad, P.S. - Baikunthpur, District - Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani

For the Opposite Party/s : Mr. A.L.Pandit (App)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 22-02-2016 Heard Mr. Ghulam Rabbani, learned counsel for the
petitioner and Sri Akshay Lal Pandit, learned Addl. Public
Prosecutor.

Sole petitioner, apprehending his arrest in
Baikunthpur P.S. Case No. 150 of 2014 registered for the offence
under Sections 341, 323, 324, 354, 379,504/34 of the Indian Penal
Code, has prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioner
that in the F.I.R., ofcourse petitioner has been made as main
accused, however; the reason for implication of the petitioner is
that one month prior to the alleged occurrence on the *fardbeyan* of
petitioner, which was recorded in Sadar Hospital, Gopalganj, the
husband of the informant of the present case was made accused for



offences under Section 307 & other allied sections of the Indian Penal Code. Learned counsel for the petitioner has placed reliance on **Annexure – 2** to the petition i.e. photocopy of the F.I.R. of Baikunthpur P.S. Case No. 115 of 2014 recorded on 26-06-2014 for offence under Sections 147, 341, 323, 324, 307 & 504 of the Indian Penal Code. He submits that in the F.I.R. of Baikunthpur P.S. Case No. 115 of 2014, there is specific accusation against the husband of the informant of the present case and only to create defence or put pressure on the petitioner, the present case has falsely been lodged.

Learned Addl. Public Prosecutor has tried to persuade the Court that the petitioner is the main accused in this case.

Besides hearing, I have also perused the materials available on record, particularly; **Annexure – 1** i.e. F.I.R. of the present case, which was lodged on 29-07-2014 as well as F.I.R. of Baikunthpur P.S. Case No. 115 of 2014 registered on 26-06-2014, as per *fardbeyan* of the present petitioner. On perusal, it is evident that husband of the informant of the present case was arrayed as main accused in the said case.

In view of facts and circumstances, the Court considers that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of his arrest or surrender before the court below within a period of six weeks from today, let the petitioner namely Munna Mian @ Mohd. Munna be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of Shri R.K.Tripathi, learned Judicial Magistrate 1st Class, Gopalganj in connection with Baikunthpur P.S. Case No. 150 of 2014, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

Anay

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