

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14350 of 2017**

Arising Out of PS.Case No. -149 Year- 2016 Thana -BELDAUR District- KHAGARIA

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Md. Saddam, S/o Nago, resident of Village- Kumhraili, P.S.- Beldaur,  
District- Khagaria.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Siddhart Harsh, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
ORAL ORDER

2      12-05-2017                      Heard learned counsel for the petitioner and the  
learned A.P.P. representing the State.

The petitioner apprehends his arrest in connection  
with Beldaur P.S. Case No. 149 of 2016, registered for the  
offences punishable under Sections 147, 148, 149, 323, 307, 504,  
506, 160, 379, 447 of the Indian Penal Code and 27 of the Arms  
Act.

Allegedly, the petitioner and co-accused Kundan Sah  
along with seven unknown came on three motorcycles and started  
abusing and assaulting the informant. The petitioner assaulted on  
his head with butt of three knot, resulting head was ruptured and  
bleeding started and when they threatened to kill him, the  
informant fled away in paddy field, whereafter the petitioner and



co-accused Kundan Sah opened fire and after entering into the house of the informant, they damaged the house-hold articles and took away the key of motorcycle and went away. In the village also they assaulted the villagers namely Md. Manoj, Bahadur Sharma, Mahendra Sharma and others. They created terror in the village and thereafter they fled away from motorcycles. The informant had demanded wages of Rs. 1800/- from the petitioner, resulting this occurrence.

Submission is of false implication and that the injuries caused to the informant are simple in nature, the occurrence has taken place due to grazing by she-goat, the petitioner has got only one case for the same occurrence and as such he deserves for sympathetic consideration.

Learned A.P.P. opposes the prayer for anticipatory bail by submitting that the petitioner has created terror in the village and has opened fire also.

In the facts and circumstances, as stated above, considering the allegation against the petitioner, I am not inclined to grant anticipatory bail to him and, accordingly, the prayer for anticipatory bail, in connection with Beldaur P.S. Case No. 149 of 2016, G.R. No. 1933 of 2016, pending in the court of learned Judicial Magistrate-1<sup>st</sup> Class, Khagaria, is rejected.



However, in case, if so advised, the petitioner surrenders in the court below and seeks regular bail, then his prayer for regular bail shall be considered on its own merit preferably on the same day without being prejudiced by the order of this Court.

**(Jitendra Mohan Sharma, J)**

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