

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61168 of 2017

Arising Out of PS. Case No.-50 Year-2017 Thana- MORE District- Darbhanga

Shahid Equbal @ Md. Janni S/o Hasibur Rahman, R/o Village- Tharma , P.S.-
Phakirna, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala (APP)

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

ORAL ORDER

3 25-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection with
Moro P.S. Case No. 50 of 2017/Cri. Case No. 2522 of 2017,
registered for the offences punishable under Sections 147, 149, 153,
153(A), 295, 295(A), 298, 354(A) and 504 of the Indian Penal Code.

Allegedly, the petitioner being the owner of vehicle
and proprietor of Janni Tent House, Saraia, has been named along
with others with allegation that they were indulged in throwing cow
flesh near Shiv Temple and on the door after keeping the same on
the vehicle.

Submission is of false implication and that there is no
specific allegation against the petitioner, the petitioner has been made
victim of the circumstances as he is the owner of Janni Tent House.



He has got no criminal antecedent. None of the sections is attracted against the petitioner as mentioned in the F.I.R.. Moreover, Sections 354(A), 295 and 295(A) are also not attracted. No source of identification is mentioned. There is no chance of tampering with the prosecution evidence and the petitioner is a man of means and local business man and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. seriously opposes the prayer of pre-arrest bail by submitting that the first information report is signed by so many villagers and the petitioner was identified by them.

In the facts and circumstances as stated above, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Moro P.S. Case No. 50 of 2017/Cri. Case No. 2522 of 2017, pending in the Court of learned Additional Chief Judicial Magistrate – VIII, Darbhanga.

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

(Jitendra Mohan Sharma, J)

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