

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62105 of 2018

Arising Out of PS.Case No. -427 Year- 2018 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN (MOTIHARI)

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Shams Amber @ Golu @ Golu Khan, Son of Shamusjama, Resident of
Village- Belisaray, P.S.- Town Motihari, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 08-10-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 341,
386, 506 and 509/34 of the Indian Penal Code.

The prosecution case, as per the written
report of Saroj Devi submitted to the Station House Officer,
Motihari Town P.S., is to the effect that she runs a grocery shop
which is situated in her house. On 06.07.2018 at 5.00 P.M. the
informant was at her shop along with her son, Manjeet Kumar,
in the meantime, 7-8 persons came to the shop of the informant
and took cigarette and bottle of water. On asking for cost of the
articles given, they refused to make payment and they threatened



on the point of pistol. The petitioner disclosed his name also.

It is submitted by learned counsel for the petitioner that for the occurrence of 06.07.2018 at 5.00 P.M., the FIR was registered on the same day at 6.45 P.M. which reached to the Court of learned Chief Judicial Magistrate on 08.07.2018, which suggests that the FIR has been registered by antedating. Moreover, the accusation appears to be unreasonable since petitioner alleged to have disclosed his name which appears to be unbelievable that any accused will commit the offence and will disclosed his name also. It is further submitted that the petitioner is accused in five other cases but he is on bail.

Considering the nature of accusation, though, this Court is inclined to grant anticipatory bail to the petitioner but keeping in view the criminal antecedent of the petitioner, this Court is restraint itself in rejecting the anticipatory bail. However, considering the nature of accusation, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Motihari Town P.S. Case No. 427 of 2018, pending in the Court of learned Chief Judicial Magistrate, East Champaran at Motihari. It is expected from the learned Court



below to consider the prayer for bail of the petitioner preferably on the same day.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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