

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7384 of 2019

Arising Out of PS. Case No.-523 Year-2017 Thana- SIWAN MUFFASIL District- Siwan

Munar Yadav Son of late Surya Deo Yadav, Resident of Village – Gopalpur,
P.S. Siwan Muffasil, District-Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner is seeking anticipatory bail in connection with
Siwan Muffasil P.S. Case No. 523 of 2017 registered for the offences
punishable under Sections 147, 148, 149, 323, 353, 224 and 225 of
the Indian Penal Code and Sections 30(a), 45 and 47 of Bihar
Prohibition of Excise Act, 2016

The allegation against the petitioner is that while police
party has arrested the co-accused Tarkeshwar Gupta and Amit
Kumar and they were being taken to the Police Station, this petitioner
along with two other persons intercepted and with the help of the
female folks of the family, they took away the arrested accused from
the clutch of the Police.

Learned counsel for the petitioner submits that co-accused
Ashok Sah has been granted privilege of the anticipatory bail by a



learned coordinate Bench of this Court vide Criminal Misc. No. 24890 of 2018.

On the other hand, learned APP for the State submits that so far as this petitioner is concerned, there are as much as four cases against him whereas Ashok Sah who has been granted privilege of anticipatory bail had no criminal history. It is further submitted that interfering with the police officers arresting the accused is a serious matter and for such indulgence of the petitioner he does not observe privilege of anticipatory bail.

In the given facts and circumstance, considering that the petitioner has got criminal antecedents and then he had allegedly indulged with the police force and had helped the co-accused in fleeing away from the hands of the police, this Court is not inclined to grant anticipatory bail to the petitioner.

This application is dismissed.

In case the petitioner surrenders and prays for regular bail before the court below within a period of four weeks from today, the same shall be considered on its own merit without being prejudiced by the present order.

(Rajeev Ranjan Prasad, J)

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