

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11965 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- JOKIHAT District- Araria

Md. Farooque @ Md. Farooque Alam aged about 43 years (Male), Son of Late Hazi Zakiruddin Resident of Village - Matiyari, P. S. - Jokihat, Dist- Araria.

.. ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Jokihat P.S. Case No. 145 of 2018 arising out of G.R. No. 1545 of 2018 registered under Sections 147/148/149/150/323/307/353/504/379/511 of the Indian Penal Code, pending in the court of learned Chief Judicial Magistrate, Araria.

Learned counsel for the petitioner submits that this petitioner has been made accused because of political rivalry in the village. In course of submissions, learned counsel for the petitioner tried to raise a dispute with respect to the identity of the petitioner itself. It was submitted before the court that this petitioner is Md. Farooque whereas the accused named in the F.I.R. is only Farooque. He also denied to the fact that any raid



was conducted in the house of this petitioner, but the oral submission of learned counsel for the petitioner stood falsified when it was found in paragraph-9 of the application that petitioner has himself stated that he is supporter of one RJD candidate and the raid was conducted in the house of the petitioner and the cash was recovered from his house.

Learned A.P.P. for the State while opposing the prayer for anticipatory bail of the petitioner submits that on the information received by S.D.M., Araria that a member of a political party has kept cash of Rs. 7 Lakhs to distribute among the voters in Jokihat assembly by election, the raid was conducted in the house of this petitioner and after search of house a sum of Rs. 6,96,500/- was recovered, but when the police party was going with the said seized amount and reached near the PDS shop of the petitioner, a crowd of 200 people blocked the path, one of the accused instigated the crowd to assault the informant and to snatch away the money so recovered. It is pursuant to this the crowd assaulted the police personnel with Lathi and Danda and they also started snatching the recovered cash as well as arms of the police personnel and they damaged the vehicles.

Having heard learned counsel for the petitioner and



learned A.P.P. for the State, finding that the police had recovered the amount from the house of this petitioner and thereafter when the police was going away with the money the police party were assaulted and the vehicles were damaged, this court is not inclined to grant anticipatory bail of this petitioner.

Learned counsel for the petitioner submits that some of the named accused persons have been granted anticipatory bail by the learned coordinate Bench of this court in Cr. Misc. No. 52656/2018. Normally this court grants the benefit of anticipatory bail to co-accused in order to maintain uniformity in justice, but in the present case, this court finds that so far as this petitioner is concerned, he has a different case. The money was recovered from his house and it is only thereafter when the police party was going with the cash attempts were made to assault the police party and in that attempt police personnel were assaulted and the vehicles were also damaged. This court is not feeling inclined to grant anticipatory bail to the petitioner.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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