

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11357 of 2019

Arising Out of PS. Case No.-322 Year-2018 Thana- KHAIRA District- Saran

Rajaram Sah @ Chinni Sah, aged about-30 years, (Male), Son Shambhu Sah
Resident of Village - Nagra, P.S.- Nagra O.P./Khaira, Distt. Saran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-02-2019

Heard learned counsel for the petitioner.

Petitioner is seeking anticipatory bail in connection with
Khaira (Nagra), P.S. Case No. 322 of 2018 dated 08.12.2018
registered for the offences punishable under Sections 147, 148, 149,
341, 323, 353, 307, 332, 333, 504, 427 and 452 of the Indian Penal
Code.

Learned counsel for the petitioner submits that although,
the petitioner is named as a member of the mob of 50 to 60 persons
who had assembled at the outpost (police station) and had indulged
in abusing with the Officer-in-Charge of the police station. So far as,
this petitioner is concerned, there is allegation that this petitioner had
put a 'Gamcha' in the neck of the police personal and had tried to kill
him. The other persons who came to save the informant were also
assaulted.

Learned counsel submits that some of the accused persons



of this case have been granted privilege of anticipatory bail by a learned Coordinate Bench of this Court in Cr. Misc. No.6620 of 2019 and Cr. Misc. No.9917 of 2019. There are some other accused persons who have been granted regular bail by another Coordinate Bench of this Court in Cr. Misc. No.9099 of 2019.

No one appears on behalf of the State to oppose this application.

On going through the materials available on the record, this Court finds that there are specific allegations against this petitioner of putting 'Gamcha' in the neck of the informant and taking an attempt to kill him. This allegation is not present against the other accused persons who have been granted privilege of anticipatory bail by a learned Coordinate Bench of this Court.

Considering the aforesaid facts, this Court is not willing to extend the privilege of anticipatory bail to the petitioner, in case the petitioner surrender and pray for regular bail in the learned Court below within a period of four weeks from today, his prayer for bail shall be considered keeping in mind the materials collected in course of investigation without being prejudice by the order of this Court.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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