

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46223 of 2019**

Arising Out of PS. Case No.-104 Year-2019 Thana- JOGBANI District- Araria

SAKIM @ SALIM @ MD.SALIM S/o Alam @ Md. Alam Resident of
Village- Haji Mohalla, Jogbani, Ward No. 8, P.S.- Jogbani, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Jogbani P.S. Case No.104 of 2019 registered under
Sections 341, 323, 324, 307 and 379/34 of the Indian Penal
Code, pending in the court of the Additional Chief Judicial
Magistrate-I, Araria.

The accusation is that in the night of 03/04.04.2019,
when the informant Balram Soni woke up to attend the call of
nature, then he found the door of his house opened and Md.
Amit alias Chintu, Md. Salim (petitioner) and some unknown
were present in his house. On seeing the informant, they started
to flee away. Thereafter, the informant started raising alarm



‘Thief-Thief’, then Niraj Singh Soni and Abhishek Soni, both sons of the informant, woke up and chased them. In that course, after biting at the right hand of Niraj Soni and also causing injury at the head of Abhishek, Salim (petitioner) fled away. In the meantime, the neighbours of the informant came there and apprehended Md. Amit and handed over him to the police. The petitioner fled away after taking the purse, in which cash Rs.1000/- was kept, one mobile set, and golden Jitiya, kept in a box, from the house of the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was not apprehended on the spot and the petitioner has no criminal antecedent. Moreover, the petitioner is the resident of neighboring mohalla of the informant.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being



prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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