

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5891 of 2020**

Arising Out of PS. Case No.-151 Year-2018 Thana- SIKTI District- Araria

MD. KABIR ALAM @ KABIR ALAM Son of Md Kalimuddin Resident of
Village - Kuchaha, P.S.- Sikti, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sarangdhar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 28-08-2020 Heard learned counsel for the petitioner and Mr.
Binod Kumar, learned A.P.P. for the State.

The sole petitioner, in the present case, is seeking pre-arrest bail in connection with Sikty P.S. Case No. 151/2018 registered for the offence under Sections 147, 148, 341, 323, 324, 353, 379 of the Indian Penal Code and 37, 45, 75(2) of Bihar Prohibition and Excise Act, 2016, pending in the court of learned 2nd Additional Sessions Judge – cum – Special Judge, Araria.

Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. It is also submitted that Subhan and Manjor who were allegedly creating nuisance after consuming wine and had been arrested by police have been enlarged on bail by learned court below.

Learned A.P.P. for the State has drawn attention of this court towards the allegations made in the First Information Report wherein it is specifically alleged that this petitioner had been instigating the crowd to cause assault on the police



personnel. It is also pointed out from the case diary that there are injury reports indicating that the Chowkidars has been assaulted by the crowd on the instigation of this petitioner. At least four injuries have been found on the body of one Jai Karan Kumar, five injuries on Bhakti Paswan and one injury on Rishideo.

Considering the facts and circumstances of the case wherein the specific allegation against the petitioner finds support from the injury reports, I am not inclined to grant him privilege of anticipatory bail.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, the court below shall consider the prayer for bail on it's own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

