

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21585 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- HABIBPUR District- Bhagalpur

1. Md. GULAB @ GULAB @ JAMAL RAHMANI Son of Late Rahmani Resident of Village- Habibpur Uttar Tola, P.S.- Habibpur, District- Bhagalpur.
2. Md. Mahtab Md. Chand Resident of Village- Chamelichak, P.S.- Habibpur, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 18-09-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Habibpur P.S. Case No. 01 of 2020, disclosing offences under Sections 447,324,307/34 of the Indian Penal Code and Sections 3 and 4 of the Explosive Substance Act.

It is alleged in the First Information Report that the accused persons hurled bombs near the gate of the informant because of which the informant's son sustained injuries. The injured disclosed the names of the persons who had hurled the bombs.

Considering the nature of allegation and the fact that the petitioners have criminal antecedent as disclosed in



paragraph 3 of the application of their implication in three more cases, I am not inclined to grant them the privilege of anticipatory bail.

Learned counsel for the petitioners has submitted that the petitioners are on bail in one of such cases.

Paragraph 3 of the application reads as under:-

“That besides this case three more cases vide Habibpur P.S. Case No. 50 of 2017 under Sections 448, 341,323, 34 of the Indian Penal Code, Habibpur P.S. Case No. 02 of 2018 under Sections 386 and Sections 3/4 of the Explosive Substance Act and Tatarpur P.S Case No. 162 of 2019 under Sections 341,323,384,385,504,34 of the Indian Penal Code are pending against the petitioner no.1 in which he is on bail whereas one more case vide Habibpur P.S. Case No. 175 of 2018 under Sections 386,387, 34 Indian Penal Code are pending against the petitioner no.2 in which he is on bail.”

However, considering the petitioners' criminal antecedents and the fact that there is allegation against them of commission of crime while on bail, I am not inclined to grant them the privilege of anticipatory bail.

This application is rejected.

However, the petitioners are directed to surrender



before the Court below within four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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