

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12958 of 2021

Arising Out of PS. Case No.-110 Year-2017 Thana- KHODAWANDPUR District- Begusarai

MD. MUSHTAQUE @ MD. MUSTAK @ MUSTAQUE ALAM Son of Late
Md. Rayees Resident of Village - Sirsi, Ward No.8, P.S.- Khodawandpur,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 147, 148,
341, 323, 448, 427, 379 of the Indian Penal Code.

Allegation against the petitioner that he along with 13
named accused including the petitioner and 10-12 unknown
accused persons assaulted the informant and his son by means
of iron rod and lathi, danda. It is also alleged that all the accused
persons entered into his house and looted the ornaments and
cloths of the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this



case. He submits that allegation levelled against the petitioner is general and omnibus in nature as the allegation of assault has been alleged against 13 FIR named accused and 10-12 unknown persons. He submits that similarly situated 7 persons have been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 6878 of 2020 on 21.08.2020.

However, learned APP for the State opposes the prayer for bail and submits that petitioner has criminal antecedent behind him.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Khodawanpur P.S. Case No. 110 of 2017 pending before the court of the learned Sub Divisional Judicial Magistrate, Manjhaul, Begusarai.

If the petitioner surrenders before the learned court below and pray for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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