

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20078 of 2021

Arising Out of PS. Case No.-102 Year-2019 Thana- ALAMNAGAR District- Madhepura

Shambhu Mehta Son Of Mahendra Mehta Resident Of Village- Madadpur,
Basa @ Madanpur Basa @ Madhatpur Basa Jagdishpur, P.S.- Alam Nagar,
District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

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

The petitioner seeks bail in connection with Alam Nagar P.S.
Case No. 102 of 2019 registered for the offence punishable under
Sections 341, 323, 384, 504, 506, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the prosecution case, informant has alleged that on
26.04.2019 at about 12: 00 noon while he was executing scheme
under JAL NAL YOJNA with his labours and Mason, FIR named
accused came brandishing arms and started abusing and demanded



ransom of Rs. 50,000/-. There is specific allegation against accused Nabash Singh of firing upon labours and intimidating them, however, no one was injured.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that no allegation of any specific overt act has been alleged against the petitioner. He further submits that similiary situated co-accused persons have been granted bail by a Co-ordinate Bench of this Cour or by learned court below i.e. co-accused *Chhaila Behari* has been granted anticipatory bail *vide* order datd 19.12.2019 passed in Cr. Misc. No. 69020 of 2019 and co-accused *Amit Roy* has been granted bail by the court of learned Sessions Judge, Madhepura *vide* order dated 22.11.2019 passed in B.P. No. 861 of 2019. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has fifteen criminal antecedents as has been mentioned in para 3 of this bail petition and he is languishing in custody since 03.02.2020.

Learned APP for the State vehemently opposing the bail petition submits that petitioner is the habitual offender and there are total fifteen cases pending against the petitioner as mentioned in para 3 of this bail petition.

In the facts and circumstances of the case and considering the criminal antecedent of the petitioner, I am not inclined to grant



privilege of bail to the petitioner in connection with Alam Nagar P.S.
Case No. 102 of 2019 to the satisfaction of learned A.C.J.M. 1st Uda
Kishunganj, Madhepura.

Accordingly, the prayer for bail of the petitioner is hereby
rejected.

However, petitioner is directed to renew his prayer for bail
after framing of charge.

(Anjani Kumar Sharan, J)

GAURAV S./-

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