

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5409 of 2020

Arising Out of PS. Case No.-134 Year-2019 Thana- PARIHAR District- Sitamarhi

MD. NASEEM, Male, aged about 26 years, S/o Md. Samsul, R/o Village-
Ramnaika, P.S.- Parihar, Distt- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dinesh Jha, Advocate

For the Opposite Party : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in connection
with Parihar P.S. Case No. 134/2019 for the offence registered
under Sections 341, 323, 324, 307, 379, 436, 504 and 506/34 of
the I.P.C.

The prosecution story, in brief, is that on 03.07.2019
the accused persons were constructing wall over the land of the
informant which was objected to by the informant. Thereafter,
the accused persons including the petitioner armed with *Lathi*,



Danda, Garasa, Revolver came and started abusing the informant and on protest made by him, on the order of co-accused Md. Shammshul, Md. Nasim (petitioner) assaulted the informant by means of *Garasa* on his head causing cut injury. The accused persons also assaulted the family members of the informant and took away cash of Rs. 50,000/-from the house.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is further submitted that other co-accused have been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 72734 of 2019 under order dated 18.12.2019. The said order is Annexure-4 to the present application. There is case and counter case between the parties.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. From perusal of the order which is annexed as Annexure-4 to the present application, it appears that against those persons there was general and omnibus allegation and the Co-ordinate Bench had taken note that there was specific allegation against this petitioner and hence other co-accused were granted anticipatory



bail. The case of the petitioner stands on different footing than the case of the other accused persons who have been granted anticipatory bail by another Co-ordinate Bench of this Court vide Annexure-4 to the present application.

Considering the aforesaid facts and circumstances of the case, I think it is not a fit case to grant privilege of anticipatory bail to the petitioner. The same is rejected in connection with Parihar P.S. Case No. 134 of 2019, pending in the court of learned C.J.M., Sitamarhi.

If the petitioner surrenders in the learned court below and prays for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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