

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34111 of 2021

Arising Out of PS. Case No.-291 Year-2020 Thana- WARISNAGAR District- Samastipur

Md. Ali Imam S/O Late Md. Manzoor Resident Of Village-Gohi, P.S
Warisnagar, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Adv.

For the Opposite Party/s : Mr. Ashok Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through the virtual
court proceeding.

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 307,
120B/34 of the Indian Penal Code. Later on Section 302 IPC has
been added.

Petitioner is said to have fired upon the husband of the
informant with intention to kill him.

It is submitted by learned counsel for the petitioner
that petitioner is innocent and has been falsely implicated in this



case. He submits that there is general and omnibus allegation levelled against the petitioner. He submits that similarly situated co-accused has been granted bail by a Bench of this Court in Cr. Misc. No. 23829 of 2021 on 07.06.2021. He submits that there is no eye witness in the present case and merely on suspicion petitioner has been made accused. He further submits that petitioner has one criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that there is common intention to the petitioner and other accused to kill the husband of the informant.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Warisnagar P.S. Case No. 291 of 2020.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays 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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