

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12263 of 2021**

Arising Out of PS. Case No.-62 Year-2019 Thana- HIRAMMA P.S. District- Sheohar

MD. SALAMGIR S/O MD. LALBABU @ LALBABU MIYAN R/O
VILLAGE-RUPWARA, P.S-HIRAMMA, DISTRICT-SHEOHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

4 07-02-2022 Heard Mr. Devendra Kumar, learned Advocate

for the petitioner and Mr. Tarun Prasad Mandal, learned

APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Hiramma P.S. Case No. 62 of
2019 dated 22.10.2019 instituted for the offences under
Sections 341, 323, 354, 379, 448, 504 and 506/34 of
the Indian Penal Code.

It was argued by the learned Advocate for the
petitioner on the last occasion that on similar allegation
against other accused persons, the court below had
granted anticipatory bail to the others but had rejected



the prayer for bail of the petitioner for no apparent good reason.

There is general and omnibus allegation against all the accused persons including the petitioner.

Finding this fact, this Court had asked for an explanation from the concerned Judge, Sheohar about the reason for taking two different views in case of accused persons with similar accusation.

However, the petitioner was granted provisional bail in the meanwhile.

Perused the explanation sent by the learned District Judge, Sheohar.

It appears that bail was granted to the other accused persons by the then District and Sessions Judge, Sheohar, Mr. Sanjay Kumar Singh.

However, the application for anticipatory bail of the petitioner was rejected by another Sessions Judge viz. Sri Bharat Tiwari.

The present District Judge has therefore



reported that for aforesaid, Sri Bharat Tiwari is required to give an explanation for which he has been noticed on his home address. It appears that aforesaid Sri Tiwari has retired.

Accepting the aforesaid explanation, the provisional order granted in favour of the petitioner is hereby confirmed.

The petitioner shall remain on the same bail bonds.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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