

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2743 of 2023

Arising Out of PS. Case No.-506 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Golu Kumar @ Gautam Kumar Son Of Tuneshwar Mandal R/O Village-
Kanjhiya, P.S.- Madhusudanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 354(B), 504 and 506/34 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, specific accusation of extending threat to the informant and his family members is against the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the occurrence took place on 14.09.2021 and FIR lodged on 17.09.2021. He submits that there is delay of five days in the filing of the present FIR and there is no any satisfactory explanation of it which creates serious doubt about prosecution case. He submits that the petitioner is a student of the intermediate. He further submits that similarly situated other co-



accused person has already been granted bail by a bench of this Court vide order dated 05.09.2022 passed in Cr. Misc. No. 21669/2022. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that there is specific allegation against the petitioner and his offence is different than the co-accused who has been granted anticipatory bail by a Bench of this Court. Hence, he does not deserve anticipatory bail.

Considering the nature of the offence, I am not inclined to enlarge the petitioner on bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 506/2021. Accordingly, his prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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