

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11140 of 2023**

Arising Out of PS. Case No.-522 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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MD. ALI @ ALIYA SON OF MD. JAHANGIR @ JAHANGIR Resident of
Village- Ashraf Alam Lane Maulanachak, Sahbajnagar, P.S.- Mojahidpur,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mrs. Anita Kumari

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 25-04-2023 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 385, 386, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act pending in the learned court below.

As per the prosecution case, on 24.06.2022 petitioner along with other co-accused persons came on the meat shop and Md. Ejaj abused and said that I had demanded of Rs.80,000/- but you have not fulfilled the demand. When the informant protested then Md. Ejaj said to Md. Amir that shoot him thereafter Md. Amir fired from pistol and waist of staff of informant Md. Dular @ Daini has been injured.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to Title Suit bearing no.75/2016 between the father of



petitioner and his neighbour and his neighbour is very influential person and always false implicated the petitioner and his family members by influence of local police only to harass the petitioner and his family members. He submits that so far allegations are concerned the petitioner is not the assailant of any one. He further submits that petitioner has got eight criminal antecedents as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

Considering the arguments of the parties and perusal of the records, I am not inclined to enlarge the petitioner on bail in connection with Bhagalpur Kotwali P.S. Case No. 522/2022. 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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