

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18949 of 2023

Arising Out of PS. Case No.-1041 Year-2022 Thana- MADHEPURA District- Madhepura

Vivek Kumar S/O Maheshwar Yadav @ Maheshwari Yadav Resident Of
Village- Ward No.- 21, Madhepura, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Kumar

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Madhepura P.S. Case No. 1041 of 2022 registered for the offences punishable under Sections 341, 323, 307, 379, 384, 386, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act pending in the Court of learned C.J.M., Madhepura.

As per the prosecution case, the petitioner along with other accused persons demanded extortion from the informant's son and assaulted him.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that



there is no specific overt act against the petitioner, there is specific allegation against one Deepak Kumar, the petitioner is only the member of the mob. The petitioner has got one criminal antecedent as mentioned in para-3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that there is specific overt act against the petitioner.

Considering the facts and circumstances of case and the fact that the petitioner is also member of syndicate, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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