

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33203 of 2023

Arising Out of PS. Case No.-145 Year-2022 Thana- GWALPARA District- Madhepura

RAHUL MEHTA Son of Bishundeo Mehta Resident of village - Thema Bela
Ward No.- 03, P.S.- Gawalpara, District – Madhepura. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma
For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-09-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. Learned counsel for the petitioner submits that he has
already removed the defect by filing a supplementary affidavit
on 24th of May, 2023.

3. The petitioner apprehends his arrest in Gawalpara P.S. Case
No. 145/2022 registered for the offences punishable under
Sections 353 & 307/34 of the Indian Penal Code and Section 27
of the Arms Act.

4. Acting on a tip-off, when the police party raided the
Machan, where the accused persons were present with lethal
weapon and were making plan to commit crime, on seeing the
police, they fired upon the police and two miscreants were
caught hold from the spot and some managed to escape. The
apprehended accused disclosed the name of the petitioner as
one of the fleeing accomplice.

5. It is submitted by learned counsel for the petitioner that no



such occurrence as alleged ever took place. He has been falsely implicated in this case merely on suspicion. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that petitioner has been made accused in this case on the confessional statement of apprehended co-accused, which has no evidentiary value in the eye of law. Petitioner has one criminal antecedent of similar nature of the offence as mentioned in para-3 of the supplementary affidavit.

6. Learned APP for the State vehemently opposing the bail petition, *inter alia*, submitted that petitioner bears one criminal antecedent of similar nature of the offence, hence he does not deserve anticipatory bail.

7. Considering the facts and circumstances of case, 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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