

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29129 of 2023

Arising Out of PS. Case No.-252 Year-2020 Thana- SHASTRINAGAR District- Patna

Md. Shahnawaz @ Md. Shahnawaz Alam, Son of Md. Shahid, Resident of
Mohalla - Samanpura, Raja Bazar, P.S.- Shastri Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Ataul Haque, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Shastri Nagar P.S. Case No. 252 of 2020 registered for the alleged offences under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, over some minor dispute, the petitioner and the co-accused entered into a scuffle with the husband of the informant and when the informant intervened, the petitioner pushed her and snatched her gold chain. Other co-accused persons further assaulted the husband, son and daughter of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Prior to the said occurrence, aunt of the petitioner instituted Shastri Nagar P.S. Case No.251 of 2020 for the same occurrence in which the husband of the informant along with the informant and other family members were made accused for offences under Sections 341, 323, 337, 448, 379, 504, 506/34 of the Indian Penal Code. For this reason, the petitioner and other family members have been falsely implicated in this case. In another case instituted by the uncle of the petitioner, the husband of the informant and her son are accused and that has been registered as Shastri Nagar P.S. Case No.278 of 2020. Further, another case, i.e., Shastri Nagar P.S. Case No.194 of 2022 has also been registered by the aunt of the petitioner against the son of the informant. The learned counsel further submits that apart from the present case, two more cases are pending against this petitioner, but the same was instituted by the family members of the informant, namely, her husband as well as the daughter of the informant. The petitioner and the informant are residents of same locality.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner suppressed his criminal antecedent while moving the petition for grant of anticipatory bail before the learned Sessions Judge, Patna and, on this



ground, his anticipatory bail petition was rejected.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the dispute between the petitioner and the informant's side and further considering the possibility of false implication, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Shastri Nagar P.S. Case No. 252 of 2020, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

