

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30929 of 2023

Arising Out of PS. Case No.-972 Year-2022 Thana- SHERGHATI District- Gaya

IMRAN KHAN SON OF ALI HASAN KHAN R/O-KARMAUNI, PANDRI
SAHDEW KHAP, P.S.-SHERGHATI (DOBHI), DISTT.-GAYA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jay Prakash Sharma, Adv.
For the State	:	Mr.Zainul Abedin, APP
For the Informant	:	Mr. Kumar Nikhil, Adv.
		Mr. D.R.Saurav, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

2. This is an application for grant of anticipatory bail in connection with Sherghati (Dobhi) P.S. Case No. 972 of 2022 (G.R.No. 1914 of 2022), registered for the offence punishable under Section 386, 120(B), 34 of the Indian Penal Code.

3. The case of the prosecution in brief is that on 16.10.2022, one person had met the informant and had told him that the petitioner has fixed a deal for a sum of Rs. Rs. 5,00,000/-, for the purposes of killing the informant. It is further alleged that the petitioner had then given a sum of Rs. 2,00,000/- by way of advance to one Sudhir Yadav and then, one person had also conducted reki of the house of the informant. It is also alleged



that the petitioner had demanded extortion money from the informant six months back.

4. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is stated to be an accused in eight other criminal cases, however, it is submitted that he is on bail in seven of them.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. I have heard the learned counsel for the petitioner and perused the materials on record, from which the complicity of the petitioner in the alleged occurrence is writ large from the records, as is also apparent from the impugned order dated 24.2.2023, apart from the fact that the petitioner is stated to be an accused in eight other criminal cases, which alone is enough to disentitle the petitioner to the privilege of bail. In this connection, reference be had to a judgment rendered by the Hon'ble Apex Court, reported in (2012) 9 SCC 446 (*Ash Mohammad v. Shiv Raj Singh and Another*) wherein the Hon'ble Apex Court has held that criminal antecedents of an accused are also to be weighed in the scale of collective cry and



desire. The societal concern has to be kept in view in juxtaposition of individual liberty and further social concern deserves to be given priority over lifting the restriction on liberty of the accused in such cases.

7. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find the present case to be a fit case for grant of anticipatory bail, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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