

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35165 of 2023

Arising Out of PS. Case No.-53 Year-2022 Thana- EKCHARI District- Bhagalpur

MD SADDAM S/O BHOLA R/O village- Pirpaiti Bazar, P.S.-Pirpaiti,
District-Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Ekchari P.S. Case No.53 of 2022, registered for the offence
punishable u/s 379, 428, 34 of the IPC.

3. As per the prosecution case, the accused persons named
in the F.I.R. are alleged to have stolen the cows of the informant
and Uchit Lal Mandal and cut and sold the cows.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.
No such occurrence, in the manner as alleged, has ever taken
place. The allegation leveled against the petitioner is not
specific rather general and omnibus in nature. There is no eye-
witness to the alleged occurrence and only on suspicion, the



name of petitioner transpired in this case. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that from para-24 of the case-diary, it transpires that the witnesses have seen that four persons took the cows towards Pirpanty and when questioned, Md. Saddam told the witness that he does the business of sell and purchase of the cows. This fact has come in the impugned order.

6. Having regard to the facts and circumstances of the case and considering the nature of allegation that the petitioner is involved in business of selling and purchasing of stolen cows, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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