

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37733 of 2023

Arising Out of PS. Case No.-178 Year-2022 Thana- BELDOUR District- Khagaria

Md. Shah Alam S/O Md. Nago R/O Village- Sukhaibasa, Ps. Beldaur, Dist.
Khagaria (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Beldaur P.S.
Case No. 178 of 2022 registered for the offences punishable
under Sections 341, 323, 324, 332, 333, 353/34 of the Indian
Penal Code pending in the Court of learned Judicial Magistrate
1st Class, Khagaria.

3. As per the prosecution case, the petitioner along
with 24 FIR named accused persons and 150 unknown persons
came armed with lathi, danda and started force to deter public
servant from discharge of his duty. On objection raised by the
informant accused persons started abusing him and started
throwing chilli powder.

4. 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. The petitioner is only member of the mob. The petitioner has one criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes prayer for anticipatory bail and submits that the petitioner is also involved in the present case. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. 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)

anand/-

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

