

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38107 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

MD. JASIM @ MD. JAASIM @ MD. JASIM AKHTAR Son of Md. Sahid @
Md. Shahid Resident of village - Bhuidhara Panchwati Chauk, P.S.
-Samastipur Muffasil, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. 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 Samastipur Muffasil PS case no. 566 of
2022, registered for the offences punishable under Sections 307,
353 and other allied sections of the Indian Penal Code.
3. The case of the prosecution, in brief, is that on the
alleged date and time of occurrence, the informant along with
other police personnel had gone to Adarsh Nagar Sonevarsha to
apprehend one accused person, however, 09 named and
30-40 unknown miscreants, belonging to the locality in
question, had attacked the police personnel and snatched their
arms.
4. The learned counsel for the petitioner submits that



the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled and as far as the petitioner is concerned, neither he is alleged to have engaged in any sort of specific overt act nor he is alleged to have snatched any arms of the police, hence the petitioner is not having any complicity in the matter. Lastly, it is submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 13.04.2023, passed in Cr. Misc. no. 7782 of 2023.

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

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioner herein and moreover, similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioner



to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate-2, Samastipur in connection with Samastipur Muffasil PS case no. 566 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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