

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49051 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- BASOPATTI District- Madhubani

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RAM NARESH THAKUR S/O MAHESHWAR THAKUR R/o, P.O.-
Bhaiyapati, P.S.- Basopatti, Belauna, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s	:	Mr.Shyameshwar Dayal,APP
For the Informant	:	Mr. NK Agarawal, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-01-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner, Mr. NK Agarawal, learned Senior
counsel for the informant and learned APP for the State.

The petitioner apprehends his arrest in connection
with Basopatti P.S. Case No. 104 of 2022 for the offence
registered under Sections 307, 324, 506 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the allegation against the
petitioner is of indiscriminate firing and causing serious injuries
to four persons from the informant's side who were rushed to
the hospital.

Learned Senior Counsel for the petitioner submits that
it is a matter of case and counter case in which both sides had



sustained injuries and earlier a petition was also preferred by the petitioner before the Sub-Divisional Officer, Jainagar that he may be implicated in a false case and accordingly taking into account the omnibus allegation against him as also the fact that some others have been granted the same relief by a Co-ordinate Bench, he also deserves the same relief

Learned Senior Counsel Mr. NK Agarawal, on the other hand, has brought attention of this Court to an order of the same Co-ordinate Bench of Cr. Misc. No. 40892 of 2022 dated 08.12.2022 in which relief granted to others were distinguished inasmuch as the accused persons who had criminal antecedent, their anticipatory bail was denied on the ground that he had criminal antecedent of two cases. He further submits that so far as this petitioner is concerned, he has eight criminal antecedents of which although he has been acquitted in three cases, still five criminal cases are pending against him and taking into account the order passed in Cr. Misc. No. 40892 of 2022, he does not deserve relief.

After going through the rival submissions, this Court finds force in the submission put forward by the learned Senior Counsel for the informant that in view of the fact that injuries have been sustained by the informant's side, there has to be



some distinction between the accused persons who were alleged to have resorted to indiscriminate firing and when the case of accused Mukesh Thakur has been rejected on the ground that he had two criminal antecedents, this petitioner who still have five criminal antecedents, he cannot be extended the relief that have been granted to others.

Taking into account aforesaid facts, the anticipatory bail stands rejected.

If the petitioner surrenders before the concerned Court within four weeks from today, the learned Court shall take into account all the documents that is/are made available to it before taking a decision preferably on the same day without being prejudiced by any of the observations made herein.

(Rajiv Roy, J)

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