

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53760 of 2022**

Arising Out of PS. Case No.-697 Year-2021 Thana- NATHNAGAR District- Bhagalpur

MD. MURTA @ MURTEJ Son of Md. Jamal Resident of Village - Bhatoriya,
Police Station - Madhusudanpur, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 16-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Nathnagar (Madhusudanpur) P.S. Case No. 697 of 2021 registered for the offences punishable under Sections 394, 302 of the Indian Penal Code and Section 25(1-b)a/26/27 of the Arms Act pending in the Court of learned Chief Judicial Magistrate, Bhagalpur.

The prosecution story in nutshell is that on 14.12.2021, the informant received information on his mobile, that some miscreants have opened fire on his son and he was lying injured near Tuta Pull Sajour Pakki Road. Further it is alleged that the miscreants after snatching his motorcycle and Rs. 10,000/- fled away.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case due to ulterior motive. He submits that in course of investigation of the



case, after eight days of the alleged occurrence, two witnesses, disclosed the name of the petitioner. He further submits that no incriminating articles has been recovered from the house of the petitioner. He further submits that there is no criminal antecedent against the petitioner as mentioned in para 3 of this application.

Learned APP for the State vehemently opposing the bail petition submitted that specific overt act has been attributed against the petitioner. Hence, the petitioner does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case, the fact that there is specific overt act against the petitioner 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. If the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail and 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)

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