

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56232 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- KHANPURA District- Samastipur

=====

MUKESH KUMAR S/O- DEV NARAYAN MAHTO R/O- KHANPUR,
WARD NO.- 10, P.S.- KHANPUR, DIST- SAMASTIPUR, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Madhav Kumar

For the Opposite Party/s : Mr. Choubey Jawahar

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 224, 341, 342, 323, 337, 307, 332, 333, 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 45 of the Bihar Excise Act.

3. The informant alleges that on information that accused persons of Khanpur P.S. Case No. 122 of 2023 and Khanpur P.S. Case No. 59 of 2023 have come to their residence, the police force reached their house to arrest them, it is next alleged that police arrested the petitioner who is an accused of Khanpur P.S. Case No. 59 of 2023 along with Jitendra and Rajesh, it is next alleged that the family members including



other persons, in order to free the accused persons, attacked the police force and assaulted them and freed the accused persons.

4. Learned counsel for the petitioner submits that the petitioner has antecedent of three cases.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the police fired causing injury to his mother for which the sister of the petitioner has filed a complaint case, it is next submitted that in order to shield themselves from the occurrence, the present false case came to be instituted.

6. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, opposes the anticipatory bail application and submits that what is not in dispute, rather, stands admitted is petitioner is an accused of Khanpur P.S. Case No. 59 of 2023 and on information, the police had gone to his residence to arrest him when his family members including others assaulted the police and freed him, it is thus submitted that if privilege of anticipatory bail is granted to such persons, that would send a wrong message, it is also submitted that if what has been submitted by the learned counsel for the petitioner is true that the police fired causing injury to the mother of the petitioner, in that event, it can very well be culled out that the situation had



gone out of control on account of which the police had to resort to extreme measure.

7. Considering the submission made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer of anticipatory bail to the petitioner stands rejected.

(Satyavrat Verma, J)

HarshPandey/-

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

