

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55533 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- HATHAURI District- Muzaffarpur

1. SHATRUDHAN SAH Son of Bundela Sah R/V- Mahuli, P.S- Hathauri, dist- Muzaffarpur
2. Lakhindra Sah @ Lakhindra Rai Son of Jamun Sah R/V- Mahuli, P.S- Hathauri, dist- Muzaffarpur
3. Mukesh Kumar @ Mukesh Sah Son of Lakhindra Sah R/V- Mahuli, P.S- Hathauri, dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard Mr. Alok Kumar Alok, learned counsel for the
petitioners and Mr. Choubey Jawahar, learned APP for the State.

The petitioners apprehend their arrest in connection with Hathauri P.S. Case No. 95 of 2022 for the offence registered under Sections 147, 148, 149, 341, 323, 324, 307, 353, 354, 332 and 427 of the Indian Penal Code.

As per the prosecution story, the police got information that a person has been kept in captivity and accordingly, proceeded to the place and got the said man rescued, who gave his name as Mithilesh Kumar Singh while the police was taking him to police station, allegation is that the



accused persons protested the same and in the process attacked the police and assaulted them. The further allegation is of also treating behaving indecently with the lady police constables, petitioner,s name has come in the FIR.

Learned counsel for the petitioners submit that omnibus allegation has been made against the accused persons and in the process, three dozen names are there including 30 to 40 unknown persons. The further submission is that although the police alleges assault, there is nothing on record to show the kind of injuries they sustained. The last submission is that the said Mithilesh Kumar Singh (who was allegedly kept into captivity) was running a 'Credit Cooperative Society' and was deceiving the innocent persons luring them to deposit Rs. 1500/- per month with the assurance that after maturity double amount will be paid.

Learned APP for the State, on the other hand, opposes the prayer stating that allegation is of assault on the police officials and also behaving indecently with the lady constables.

Taking into account the fact that there is allegation of assault on the police and behaving indecently with the lady police constables, so far as the anticipatory bail is concerned, this Court does not deem it proper to extend the said privilege to



the them in the backdrop of the fact that two of the petitioners have criminal antecedent. Accordingly, the same is rejected.

If however, the petitioners surrender before the concerned Court within four weeks from today and file petition, the Court concerned shall taking into account, the factors necessitating the lodging of the present FIR as also that an omnibus allegation has been made against host of accused persons of assault and disposed it of expeditiously and at an earliest.

(Rajiv Roy, J)

Jagdish/Neha/-

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