

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62593 of 2023

Arising Out of PS. Case No.-211 Year-2020 Thana- GAYA KOTWALI District- Gaya

1. MD SADDAM @ MD. SADAB @ MD. SHADAB S/O MD. RUSTAM @ Md. Lado R/O VILLAGE- PANCHAIYATI AKHARA, EQBAL NAGAR, NEAR PANI TANKI, P.S- KOTWALI, DISTT.- GAYA.
2. MD. DANISH S/O MD. RUSTAM @ Md. Lado R/O VILLAGE- PANCHAIYATI AKHARA, EQBAL NAGAR, NEAR PANI TANKI, P.S- KOTWALI, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 147, 148, 149, 337, 338, 224, 225, 307, 353, 420, 120(B) of the Indian Penal Code, Section 11 of the Bihar Bengal Gambling Act and Section 7 of Lotteries (Regulation) Act.

3. As per prosecution case, on secret information that some persons are involved in playing lottery, a raid was conducted and one Md. Bablu was apprehended. Thereafter, all the F.I.R. named accused persons including these petitioners and 150 unknown persons attacked the police party and got Md.



Bablu freed from the police custody. It is further alleged that 20 liters wine was also recovered from the place of occurrence.

4. Learned counsel for the petitioners submits that allegation of assault against these petitioners is general and omnibus and no police personnel sustained injury in the alleged occurrence. It is further submitted that similarly situated co-accused has already been granted anticipatory bail by co-ordinate Bench of this Hon'ble Court *vide* order dated 20.12.2021 passed in Cr. Misc. No. 20142 of 2021.

5. However, learned A.P.P. for the State opposes the bail application and submits that there is allegation that these petitioners along with other accused persons assaulted the police party and got freed one co-accused from the police custody.

6. Taking into consideration the nature and gravity of the offence, prayer for anticipatory bail of the petitioners is refused.

(Prabhat Kumar Singh, J)

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