

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68878 of 2023

Arising Out of PS. Case No.-264 Year-2016 Thana- MALSALAMI District- Patna

SHAMBHOO THAKUR S/O GAYA THAKUR R/O MOHALLA SIMLI
NAWABGANJ, P.S-MALSALAMI, DISTRICT-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 01-11-2023 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Malsalami PS case no. 264 of 2016, disclosing offences punishable under Section 353 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that the petitioner along with other accused persons created a ruckus on the road and disrupted the traffic by burning tyre on the road.
4. Learned Counsel for the petitioner submits that petitioner is having no criminal antecedent. He further submits that the allegation against him is general and omnibus. He also submits that similarly situated co-accused persons have already



been granted anticipatory bail by co-ordinate Benches of this Court vide orders dated 09.05.2023 and 10.05.2023, passed in Cr. Misc. no. 6609 of 2023 and Cr. Misc. no. 9642 of 2023, respectively.

5. I have heard the learned counsel for the parties. From perusal of the impugned order, it appears that the petitioner had earlier moved an application for anticipatory bail before the learned court below vide A.B.P. no. 8084 of 2016, which was disposed with a direction to the petitioner to surrender before the concerned Court vide order dated 10.04.2017 but the petitioner did not surrender before the learned court below nor file any anticipatory bail before this Court, as declared by the petitioner in paragraph no. 2 of the present petition. Again, petitioner filed A.B.P. no. 5618 of 2022 before the learned Additional Sessions Judge-II, Patna City, Patna, which has been rejected on the ground that the petitioner did not surrender before the concerned Court, pursuant to the order dated 10.04.2017, passed in A.B.P. no. 8084 of 2016.

6. Accordingly, I am not inclined to grant anticipatory bail to the petitioner, however, if the petitioner surrenders before the learned court below and seeks regular bail, the concerned court may consider the regular bail application on the same day



without being prejudiced to the fact that anticipatory bail application of the petitioner has been rejected. The petitioner will be at liberty to rely upon the anticipatory bail granted to the co-accused by this Court at the time of hearing of his regular bail application.

(Anil Kumar Sinha, J)

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