

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68331 of 2023

Arising Out of PS. Case No.-135 Year-2022 Thana- MATIHANI District- Begusarai

MD MAJHAR @ MD. MAZHAR @ MD. MAJHAR SHAH @ MD.
MAJHAR SAH Son of Md. Kayam Shah @ Md. Kayum Sah @ Kayum Sah
R/o vill - Rampur, ward no. 17, P.S. - Matihani, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-12-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Matihani P.S. Case No. 135 of 2022 for the offence registered under sections 147, 149, 385, 307, 379, 504 and 506 of the Indian Penal Code lodged on 27.09.2022 by the informant Md. Amant Sah.

3. As per the prosecution story, the allegation is that the all the FIR named accused persons came to the house of the informant armed variously and after abusing and threatening to pay Rs. 50,000/-, it is alleged that the accused persons assaulted the informant causing injury in the right hand finger and when the mother of the informant came to his rescue, she was also assaulted. This followed the FIR.



4. Learned Counsel for the petitioner submits that allegation of assault is on Md. Haidar Sah and Md. Ayub Sah, they are only part of the mob and further others have been granted the privilege of anticipatory bail.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the FIR was lodged in September, 2022 and only after the others were granted the privilege of anticipatory bail, the petitioner chose to prefer this petition.

6. Taking into account the submissions put forward by the parties as also the fact that the petitioner has criminal antecedent of same nature, he has delayed coming before this Court, FIR having been lodged in 2022, it is not a fit case for grant of anticipatory bail, which is accordingly rejected.

7. However, if the petitioner surrenders within a period of four weeks from today, the Court concerned shall take up the matter and dispose of the same without being prejudiced by any of the observation made therein on the same day.

(Rajiv Roy, J)

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