

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74765 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- INARWA District- West Champaran

Serajul Miyan @ Md. Serajul, Son of Late Meera Miyan, R/o- Inarwa, P.S.-
Inarwa, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Inarwa P.S. Case No. 92 of 2022 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 353, 332, 333, 337, 338, 379, 427 and 414 of the Indian Penal Code.

3. As per prosecution case, police got information about smuggling of betel nut from Nepal and when they tried to intercept tractor trolley stated to be carrying the nuts, the police party was attacked by 41 FIR named accused persons along with 150 unknown persons. This mob tried to snatch weapons of the police party and the smugglers fled away with the tractor trolley. Thereafter, search was conducted and from the house of the petitioner,



50 bags of betel nut each containing 60 kgs. apart from other articles were recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He is a businessman and his name has been mentioned in this case merely on suspicion. There is no specific allegation against the petitioner for committing any assault. There was no prior acquaintance of the informant with the petitioner and there was no occasion for the informant to identify the petitioner as the member of the mob. At the same time no specific source of information has been mentioned in the FIR for identification of the petitioner. The betel nut which have been seized by the police was later on released on the orders of the Custom Authorities as the petitioner is a businessman and he deals regularly with such type of articles. Other co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 21.03.2023 passed in Cr. Misc. No. 70674 of 2022.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



general nature of allegation against the petitioner with other co-accused persons and also considering grant of anticipatory bail to other co-accused persons, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bettiah, West Champaran in connection with Inarwa P.S. Case No. 92 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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