

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71419 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- CHAUSA District- Madhepura

Md. Shahjahan Son of Md. Kalim R/v- Paina, P.S.- Chausa, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

02. Let the defect(s), if any, as pointed out by the
office, be removed within a period of four weeks from today.

03. In the present case, the petitioner is apprehending
his arrest in connection with Chausa P.S. Case No. 183 of 2022,
registered on 18.08.2022, for the alleged offence under Sections
399, 402 of the Indian Penal Code and Section 25(1-b)a, 26, 35
of the Arms Act.

04. As per prosecution case, a number of co-accused
persons were apprehended along with firearms while they were
making preparation for committing *dacoity*. The apprehended
co-accused persons disclosed that they visited the petitioner who
showed them the house of the person where they were to



commit *dacoity* and murder him.

05. Learned counsel for the petitioner submits that the petitioner is *Ex-Mukhiya* of his *Panchayat* and he is innocent and has been falsely implicated in this case at the instance of his enemy and in collusion with local police due to political rivalry. The petitioner was elected *Mukhiya* of his *Panchayat* in the year 2001-2005. The name of petitioner came up in this case on the basis of statements of apprehended co-accused persons and nothing incriminating has been recovered from the person or possession of the petitioner. Learned counsel further submits that the petitioner has got some criminal antecedents, but he is on bail in two such cases.

06. Learned A.P.P. for the State opposes the prayer for anticipatory bail submitting that allegedly there is serious allegation against the petitioner is he is also having criminal antecedent.

07. Having regard to the facts and circumstances and in view of specific nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail.

08. Hence, prayer for anticipatory bail of petitioner is hereby rejected. However, if the petitioner surrenders before the learned lower court, the learned lower court shall consider the



prayer for bail on its own merit, without being prejudiced with
this order.

(Arun Kumar Jha, J)

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