

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39534 of 2024

Arising Out of PS. Case No.-510 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Ajit Kumar Son of Nagendra Yadav R/O Vill.- Ratanpur, P.S.- Sherghati,
Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Magadh Medical P.S. Case No. 510 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 448, 427, 385, 387 of the Indian Penal Code and Section 25(1-b) of the Arms Act and Section 30(a) of the Bihar Prohibition & Excise Act, 2022.

3. As per prosecution case, the accused persons forcibly entered into the house of the Informant and broke the basin pipe and water pipe. On Hulla, when the villagers came, they were beaten by the accused persons. On protest by the local people, they started to flee away but, their vehicle got stuck in



the field. The police came and recovered 200 ml. foreign liquor in two bottles and three liver cartridges from the vehicle. It is alleged that one day earlier, the son of Mantu Yadav, Rambabu and the petitioner Ajit with one unknown person came to the house of the Informant and threatened that if the money is not given by next day, then they will kill them.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He submits that the date of occurrence is 06.12.2023 but, the FIR has been lodged on 07.12.2023 without any plausible explanation for the delay of one day. He further submits that the petitioner was neither arrested at the spot nor anything incriminating has been recovered from the conscious possession of the petitioner. The petitioner is also not the owner of the vehicle, in question. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.



5. Learned counsel for the petitioner further submits that the co-accused Rambabu S/o Mantu Yadav @ Rajkumar Yadav has been granted regular bail by this Court vide order dated 27.02.2024 passed in Cr. Misc. No. 12972 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner stating that the petitioner is named in the F.I.R. and the offence alleged is serious in nature.

7. Considering the entire facts and circumstances of the case and taking into account the seriousness of the allegation, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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