

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51677 of 2024**

Arising Out of PS. Case No.-414 Year-2017 Thana- RUPASPUR District- Patna

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Md. Nawajuddin Mallik @ Manish @ Nawabuddin Mallik @ Maanish Mallik
@ Md. Nawasuddin Mallick Son of Md. Bahauddin Mallik @ Wahauddin@
Wahabuddin R/O Vill./Mohalla- Maula Bad- Madarsa Gali, Nayatola, P.S.-
Phulwari Sharif, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murlidhar Mishra, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Rupaspur P.S. Case No. 414 of 2017 for the offence under Section 393 of the Indian Penal Code and Section 37(b) (c) of the Bihar Prohibition and Excise Act, 2016 lodged on 14.11.2017 by the informant, Durga Sao.

3. As per the prosecution story, the informant alleged that on 14.11.2017, he loaded the sand and as it was being unloaded at Mahua Bagh, the accused persons came in a Maruti car, flashed revolver, were in an inebriated state and further wanted him to come down. Fearing his life, as he resisted, the allegation is that three persons tried to take away Rs. 20,000/- but at that time, police came and apprehended one Monu @ Rahul Kumar while other two managed to escape. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that earlier he was granted anticipatory bail but having unable to surrender in



time, subsequently modification petition was filed which was rejected.

5. Learned APP, Mr. Bharat Bhushan on the other hand pointed out that he was extended anticipatory bail on 13.12.2018 and he came before this Court for the modification in the year 2024 and recording the said fact, the Coordinate Bench rejected it on 19.02.2024. He submits that seven years later, the petitioner is still seeking anticipatory bail

6. Considering the fact that the matter is of the year 2017, the petitioner failed to avail the relief granted to him and waited for six years to get the modification petition allowed, the same having been rejected by a reasoned order, in the opinion of this Court it would be appropriate that the petitioner surrenders immediately and seeks bail.

7. The present anticipatory bail application stands rejected.

8. 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 preferably on the same day.

(Rajiv Roy, J)

Adnan/-

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