

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68021 of 2024

Arising Out of PS. Case No.-13 Year-2022 Thana- GARVANDANGA District- Kishanganj

Nagil @ Md Najir Son of Majebul Rahman R/O Vill.- Suribhitta, P.S.-
Garbandanga District- Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending arrest in connection with Garbandanga P.S. Case No. 13 of 2022 registered for the offences punishable under Sections 147, 149, 323, 325, 353, 279, 337, 338 of the Indian Penal Code.

3. As per prosecution case, the informant alongwith police officials left for Naka duty. It is alleged that a group of smuggler was carrying chemical fertilizer and reached the Naka. It is alleged that when the police personnel tried to stop the motorcycle, smuggler dashed Manish Kumar (Inspector) as a result of which he sustained head injury. It is further alleged that some unknown men and women from the village helped the smugglers in escaping them. The petitioner is one among them.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. The petitioner bears no criminal antecedent. The petitioner was not present on the spot and no incriminating article was recovered from the conscious possession of the petitioner. He further submits that all the sections are bailable in nature, except Section 353 of the I.P.C. Learned counsel for the petitioner submits that co-accused Sahabuddin @ Sahbuddin & Md. Taiyab Alam @ Jamedar @ Tayab have already been granted anticipatory bail by this Court vide Cr. Misc. No. 30638 of 2024 and the case of the present petitioner stands more or less on similar footing and on the principle of parity, petitioner deserves the same treatment.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from



today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Garbandanga P.S. Case No. 13 of 2022, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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