

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67665 of 2023

Arising Out of PS. Case No.-1085 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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Totwa @ Md. Imtiyaz S/O Bhikhari Miyan @ Bhikhari Ahmad R/O Village-
Kalibag Gariban Toli, Ward No. 12, P.S- Bettiah Town (KALIBAGH O.P),
Dist.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr. Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Bettiah
Town (Kalibagh O.P.) P.S. Case No. 1085 of 2018 registered for
the offences punishable under Section 387, 120(B) of the Indian
Penal Code pending in the Court of learned Chief Judicial
Magistrate, Bettiah, West Champaran.

3. As per the prosecution case, the informant
alleged that on 13.12.2018 at about 08:30 P.M. he got a call
from some unknown persons, who threatened him to give Five
Lakh Rupees otherwise his sons will be murdered.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this



case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the present F.I.R. is of year 2018, and the petitioner is not named in the F.I.R., he has been made accused in the present case on the basis of confessional statement of co-accused. He further submits that the anticipatory bail application of the petitioner was rejected by the learned Court below on 09.01.2020 and he filed the present anticipatory bail application in year 2023. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. By order dated 18.10.2023, criminal antecedent of the petitioner was called for from the learned Court below by a Co-ordinate Bench of this Court, from bare perusal of the report it appears that the petitioner has suppressed his criminal antecedent. Petitioner has one criminal antecedent i.e. Bettiah Town (Kalibagh) P.S. Case No. 419 of 2022 dated 04.06.2022 under Section 341, 323, 354, 504/34 of the I.P.C. and the charge-sheet was submitted on 30.03.2023.

6. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioner has suppressed his criminal antecedent. Thus on this ground alone, he does not deserve privilege of anticipatory bail.



7. Considering the facts and circumstances of case and the fact that the petitioner has tried to suppress his criminal antecedent, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

anand/-

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