

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.636 of 2024

Arising Out of PS. Case No.-61 Year-2022 Thana- BHEJA District- Madhubani

1. Md. Murtuja Ali @ Md. Murtuja S/O MD. YUNUSH VILLAGE- DARAH, PS. BHEJA, DIST. MADHUBANI.
2. MD. MURSHIL @ MD. MURSIL S/O MD. MURTUJA ALI @ MD. MURTUJA VILLAGE- DARAH, PS. BHEJA, DIST. MADHUBANI.
3. MD. MODSISIR IQUBAL @ MD. MODSISIR S/O HAFIZ MANJAR VILLAGE- DARAH, PS. BHEJA, DIST. MADHUBANI.
4. MD. NIZAM @ MD. NIZAMUDDIN S/O MD. MOJIBUL VILLAGE- DARAH, PS. BHEJA, DIST. MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti
For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 31-01-2024 Heard the learned counsel for petitioner as well as Sri Shailendra Kumar, the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bheja P.S. Case No. 61 of 2022, registered for the offences punishable under Sections 341, 323, 354(B), 379, 504, 506, 34 of the Indian Penal Code.

3. As per allegation, petitioner no. 2 threw garbage on the land of the informant and when the informant objected, he assaulted him with *lathi* on his head, as a result of which, blood was oozing out of it. Further, all the FIR named accused persons



including the petitioners entered into his house and assaulted him with *lathi*.

4. The learned counsel for the petitioner has submitted that the petitioners are the persons of clean antecedent and have falsely been implicated in this case.

5. At the very outset, Sri Shailendra Kumar, the learned APP for the State has submitted that the impugned order shows itself that there is no apprehension of arrest of the petitioner, as such, he was noticed by the investigating authorities under Section 41(1) of the CrPC and the learned court below has also mentioned this fact that there is no apprehension of arrest of the petitioner. As such, the anticipatory bail is not maintainable.

6. Considering the above-mentioned facts and circumstances, this criminal miscellaneous petition is disposed of as there is no apprehension of the petitioner of being arrested.

7. If the petitioner surrenders before the learned court below and makes a prayer for regular bail which shall be considered on the same day on its own merit.

(Nawneet Kumar Pandey, J)

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