

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83992 of 2024

Arising Out of PS. Case No.-507 Year-2024 Thana- GAYA MUFASIL District- Gaya

Deepu Malakar S/O Naresh Malakar R/O Village- Bhadeja, P.S- Muffasil,
Distt.- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Tiwary, Adv. Mr. Md. Shahood Alam, Adv.
For the Opposite Party/s :		Mrs. Priya Ranjan, Adv. Mr. Bidhib Rajkar, Adv. Mr. Mukesh Kumar, Adv. Mr. Anunay Shahi, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Muffasil P.S. Case No. 507 of 2024, registered on 14.06.2024, for the offences punishable under Sections 147, 148, 149, 387, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against eight named accused persons including the petitioner. It has been alleged in the FIR that around 30–40 accused persons surrounded the informant’s house with the intention to loot and



murder the informant, and he has identified some of the accused. Thereafter, the informant called 112, and when the police arrived, all the accused persons fled away from the place of occurrence. It has also been alleged in the FIR that empty cartridges were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that upon a bare reading of the FIR, it becomes crystal clear that the allegations are general and omnibus in nature, and there is no specific act or overt act against the petitioner. Counsel further submits that the criminal antecedents of the petitioner are not clean, as four criminal cases are pending against him, out of which he is on bail in three cases and he is pursuing bail in one case. Counsel also submits that nothing incriminating has been recovered from the petitioner's possession, and he has been falsely implicated in this case with an ulterior motive. Therefore, it is prayed that anticipatory bail may be granted to him.

5. Counsel further relied on the judgment passed by the Hon'ble Supreme Court of India in the case of ***Prabhakar Tewari v. The State of Uttar Pradesh***, reported in ***AIR Online 2020 SC 96***. Counsel further submits that the Hon'ble Supreme



Court was pleased to hold that *the offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.*

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the bail application of a similarly situated co-accused, namely Sharwan Kumar @ Shawan Kumar Chaudhary, has been rejected vide order dated 18.03.2025 passed in Cr. Misc. No. 6644 of 2025, and the antecedent of the petitioner is also not clean. Counsel further submits that both cases are identical with the same set of allegations, therefore, the bail application of the petitioner may be rejected.

7. Learned APP for the State opposes the prayer for bail and submits that the criminal antecedent of the petitioner is not clean, and under similar circumstances, the bail application of a co-accused has been rejected.

8. Upon bare perusal of the allegations, it transpires to this Court that the allegations against the present petitioner and the co-accused, namely Sharwan Kumar @ Shawan Kumar Chaudhary, are identical. Without entering into the fact that there is four criminal cases pending against the present



petitioner and nine criminal cases pending against the co-accused Sharwan Kumar @ Shawan Kumar Chaudhary, this Court is not inclined to grant anticipatory bail to the petitioner, as there are allegations against the petitioner for demanding ransom and he has been identified by the informant. Therefore, the bail application of the petitioner is hereby **rejected**.

(Dr. Anshuman, J.)

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