

IN THE COURT OF SESSIONS JUDGE, MUNGER
ANTICIPATORY BAIL APPLICATION No.- 563/2026

Md. Irsad Vs. The State of Bihar
Muffasil P.S Case No. 151/2013

08.05.2026

1. The present anticipatory bail application has been preferred by petitioner **Md. Irsad**, s/o- Md. Khalik, who is apprehending arrest in connection with Muffasil P.S Case No. 151 of 2013 u/s 147, 148, 342, 307, 302, 114, 504 of I.P.C. and 27 of Arms Act., pending in the Court of Ld. C.J.M., Munger.

2. The informant has alleged that while he was ploughing the field at that time the petitioner along with co-accused persons armed with pistol started firing and when informant and his brother started fleeing away in the mean time the accused persons fired gun shot upon the brother of the informant as a result of which his brother died. Hence the information, based on which the above stated P.S. case was registered.

3. At the outset the Ld. Counsel for the petitioner has certified that previously no anticipatory or regular bail has been filed on behalf of the petitioner before this Court or before any other Court including the Hon'ble High Court. He also certified that **the petitioner has one criminal case pending against him**. The Ld. Counsel submits that the petitioner is innocent and has not committed any offence and further that they has been falsely implicated in the present case. That there are land dispute between the parties for which they have preferred case and counter case. That the petitioner is the poor labour. Therefore the Ld Counsel pleads that the petitioner be granted the privilege of pre-arrest bail.

4. The Ld. P.P. has opposed the prayer of anticipatory bail of the petitioner and submits that the processes u/s 82 and 83 of Cr.P.C. have already been directed against him.

5. Heard the submissions of respective Ld. Counsels and perused

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the record of the case.

6. From perusal of the case record it seems that the charge-sheet in the case has already been submitted. From the record it is apparent that the processes u/s 82 and 83 of Cr.P.C have already been directed against the petitioner.

7. It has been held in *re: Srikant Upadhyay & ors Vs State of Bihar & Anr 2024 INSC 202*:

“24. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may sometimes lead the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not

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entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

8. Therefore, considering that the processes u/s 82 and 83 qof Cr.P.C have already been directed against the petitioner, in view of above cited judgment and in the totality of the facts and the circumstances of the case in my view this anticipatory bail petition is not maintainable and hence the same is hereby **Dismissed**.

Dictated

(ALOK GUPTA)
Sessions Judge, Munger
Dated:- 08.05.2026