

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44764 of 2015

Arising Out of PS.Case No. -305 Year- 2015 Thana –BUXAR (T) District- BUXAR

Karan Singh S/o Ranjeet Singh, Resident of Village - Dullahpur, P.S. -
Simri, District - Buxar, at Present - Civil Lines, P.S. - Buxar Nagar, District
- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 13-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Buxar (T) P.S.
Case No. 305 of 2015 dated 27.07.2015 instituted under Sections
279/341/323/387/337/307/34 of the Indian Penal Code and 27 of
the Arms Act.

As per the prosecution, after some altercation relating
to a minor accident, the petitioner along with two others are said to
have come to the place of occurrence and fired upon the
informant.



Learned counsel for the petitioner submits that the informant and he reside in the same area on rent and due to enmity he has been falsely implicated and that even as per the FIR the allegation is that the informant had heard that the petitioner had fired. It is submitted that the FIR does not disclose as to which witness had taken the name of the petitioner with regard to having fired on the informant and others. It is further submitted that the parties have also compromised.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the firing having been made is proved from the seizure list where two empty cartridges have been recovered and further if at all there was any *mala fide* intention on the part of the informant to falsely implicate the petitioner, he would have directly named him as assailant but narration in the FIR shows the truthfulness behind the allegation and further there being firing which is proved by the recovery of empty cartridges, the petitioner does not deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the court below, the same shall be

considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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