

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30382 of 2014

Arising Out of PS.Case No. -60 Year- 2013 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

1. Chandan Kumar Son of Naresh Gope resident of village- Atwal Bigha,
P.S.- Tharthari, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Hirday Pd. Singh (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 28-01-2015 Supplementary affidavit has been filed submitting
therein that the petitioner has got criminal antecedent.

Heard the parties.

In this application for anticipatory bail the petitioner
apprehends his arrest for the offences punishable under sections
147, 148, 149, 307 and 302 of the I.P.C and section 27 of the
Arms Act.

Allegedly, at the instigation of co-accused Subhadra
Devi, co-accused Naresh Gope opened fire upon the son of the
informant which was missed and then co-accused Nitish Kumar
opened fire which hit his temple and he fell down and when the
informant and his nephew came for rescue the petitioner and
others again opened fire resulting the son of the informant was not
saved and he succumbed to the injuries.

Submission is that in this case the petitioner has been falsely implicated. The petitioner is a brilliant student and he is engaged in preparing the examination of Engineering and he was called for Admission Cum counseling by New Aryabhatta Educational Trust. No one has sustained any injury by the firing of the petitioner. Co-accused Subhadra Devi has already been granted pre-arrest bail by a Bench of this Court vide order dated 25.02.2014 in Cr. Misc. No. 53476 of 2013.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer for pre-arrest bail by submitting that the petitioner was also armed with country made pistol and fired due to which the deceased was not rescued by his father.

In the facts and circumstances as stated above, finding it not a fit case for pre-arrest bail and as such prayer of pre-arrest bail of the petitioner stands rejected in connection with Tharthari P.S. Case No. 60 of 2013 pending in the Court of A.C.J.M. Hilsa, District- Nalanda.

(Jitendra Mohan Sharma, J)

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