

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57446 of 2015

Arising out of PS.Case No. -445 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

Suraj Kumar, son of Shambhu Prasad, resident of at Shyam Cinema Road
P.S. Gopalganj Town, District - Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Javed Aslam, Advocate.

For the Opposite Party : Mr. S.N.Shukla(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-03-2016 Heard learned counsels for the petitioner, informant and
learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Gopalganj P.S. Case No. 445 of 2015 for the offences
instituted under Sections 326, 307/34 of the IPC, 25(1-b)A and 27
of the Arms Act.

The prosecution story, in brief, is that on 04.11.2015 at
about 7.30 P.M., the informant with his friend Lalit Kumar Singh
was standing at *Mauniya Chawk* near SBI Bank. In the meantime,
petitioner together with one of his brothers came behind him and
with intention to kill him fired on him which hit near his back
bone. The cause of occurrence is said to be the old enmity in
which both side lost their men. Lalit Kumar also sustained

firearms injury in left side of waist.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has been made accused in the present case due to previous enmity. There is a criminal case also between the parties in which the petitioner's side is the informant. The present case has been instituted in retaliation to the case instituted by the petitioner's side. The said case was instituted by the petitioner's side for commission of murder of the petitioner's brother.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and there is specific allegation of assault against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Gopalganj P.S. Case No. 445/2015, pending in the court of the learned C.J.M., Gopalganj. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--