

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38251 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -SIKARHATTA District- BHOJPUR

Benkatesh Ray @ Binkatash Ray S/o Kapil Ray Resident of Village-
Nirbhay Dihra, P.S. Sikarahatta District- Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Murari Pd. Sinha
Mr. Uday Kumar
For the Opposite Party/s : Mr. Ram Naresh Ray
Mr. Manish Dhari Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 17-09-2016 Heard Sri Murari Prasad Sinha, learned counsel, who was assisted by Sri Uday Kumar, learned counsel for the petitioner, Sri Ram Naresh Ray, learned Addl. Public Prosecutor as well as Sri Manish Dhari Singh, learned counsel, who has voluntarily appeared on behalf of informant.

The sole petitioner, who has been named as accused with specific accusation of firing, which hit the informant, has approached this Court for grant of anticipatory bail in Sikarhatta P.S. Case No. 44 of 2016 registered for the offence under Section 307 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the

accusation appears to be completely false. He submits that during investigation, none of the witnesses has supported the prosecution allegation and secondly, on record, there is no injury report. On aforesaid ground, a prayer has been made for grant of anticipatory bail, whereas, learned Addl. Public Prosecutor as well as learned counsel for the informant, opposing the prayer, submit that in the F.I.R. itself, there is accusation of firing against the petitioner and statement of victim was recorded in Primary Health Centre in injured condition.

Considering the fact that petitioner is the main assailant in the present case, there is no reason for entertaining the anticipatory bail petition.

Dismissed.

(Rakesh Kumar, J.)

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