

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16171 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -PATNA CITY CHOWK District- PATNA

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Monu Kumar, Son of Arun Kumar, Resident of Hajiganj, P.S.- Chowk,
District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Raj Bansh Dubey, Advocate.

For the Opposite Party/s : Smt. Pronati Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 25-04-2017 Heard both sides.

The petitioner apprehends his arrest in Chowk P. S.
Case No. 36 of 2017 registered for the offences under Sections
414, 34, 341, 323 and 307 of the Indian Penal Code, Sections
25(1-b)(a), 26, 27 and 35 of the Arms Act and Section 37 of the
Bihar Excise (Amendment) Act, 2016.

The informant saw that two groups of criminals
were exchanging firing. When the police came there the police
arrested Dipak Kumar and Ajay Kumar and they disclosed that
his opponents Suraj Kumar, Chhotu Kumar and Monu Kumar
(the petitioner) were firing. Arms and empty cartridges were
recovered from the place of occurrence.

Learned counsel for the petitioner submits that the



petitioner was not arrested on the spot. Nothing has been recovered from the possession of the petitioner. Apprehended accused persons are having inimical terms with the petitioner. That is why he disclosed the name of the petitioner. But it appears that the petitioner also fired and managed to flee away after arrival of the police and from the place of occurrence empty cartridges were also recovered. The petitioner has got criminal antecedent.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

However, if the petitioner surrenders in the Court below, the learned court below shall consider the prayer for regular bail of the petitioner taking into account that no arms and ammunition was recovered from the possession of the petitioner.

(Prabhat Kumar Jha, J)

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