

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74940 of 2018

Arising Out of PS. Case No.-57 Year-2018 Thana- MOKAMAH District- Patna

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1. Praveen Kumar @ Vikky.
 2. Navin Kumar. Both are sons of Bhola Yadav & Resident of Village-Mor English,P.S. Mokama,Ward No.9, Distt.-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Santosh Kumar Singh, Advocate.
For the Opposite Party : Mr. S.M. Rahman,A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 302, 506 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that one Gautam Kumar was running a Grocery Shop and at that time, Navin Kumar (petitioner no. 2), co-accused Bipin Kumar, Praveen Kumar (petitioner no.1), Vikky, Mithun Kumar, Bhola Yadav, Krishna Yadav, Surajdeo Yadav, Mahadeo Yadav and Chulaki Yadav came and due to previous enmity threatened Gautam Kumar of dire consequences. Navin Kumar (petitioner no. 2) fired upon Gautam Kumar on which Gautam Kumar started



running away and wanted to hide himself in the shop of Deepak Kumar and all the accused persons ordered whereupon Navin Kumar (petitioner no. 2) fired which hit on back and Praveen Kumar (petitioner no. 1) fired which hit on head and as a result Gautam Kumar succumbed to injuries. Thereafter they fled away.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to previous enmity. The accusation made in the F.I.R. is denied by the petitioners.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R. They are said to be assailants of the deceased. Postmortem report also supports the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Mokama P.S. Case No. 57 of 2018, pending in the court of learned J.M. Ist Class, Barh, Patna. Anyhow, if the petitioners surrender and pray for regular bail in the learned court below, the same shall be considered on



its own merit without being prejudiced by this order of the
Court.

(Sudhir Singh, J)

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