

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46473 of 2018

Arising Out of PS. Case No.-301 Year-2018 Thana- MOHANIYA District- Bhabhua (Kaimur)

Shashi Kant Chaubey, Son of Shiv Kumar Chaubey, Resident of Village-
Katra Kala, Police Station- Mohania, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Pathak, Advocate
For the State	:	Mr. Ajay Kumar-1, APP
For the Informant	:	Mr. Dharmendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 01-10-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

The petitioner is apprehending his arrest in connection with Mohania P.S. case No.301 of 2018 corresponding to G.R. No.1284 of 2018 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Chief Judicial Magistrate, Kaimur at Bhabua.

Allegation is that the accused persons including the petitioner shot fired upon the informant's father, due to which he sustained injuries. He was taken to the Hospital, where the doctor declared him dead.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner



has falsely been implicated in the present case. General and omnibus allegation has been made. No specific injury has been attributed against the petitioner nor any specific overt act has been alleged against him. On the alleged date of occurrence, the petitioner was not present at the P.O. He resides at Brindawan. The F.I.R. has been instituted after the postmortem being conducted. From perusal of the postmortem report, the manner of occurrence cannot be relied upon.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of disclosure made by the deceased himself. As per the allegations made by the deceased, the postmortem report also corroborates in respect of fire arms injury.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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