

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59726 of 2018

Arising Out of PS. Case No.-315 Year-2017 Thana- BIHIA District- Bhojpur

Angad Thakur S/o Sachidanand Thakur R/o Village-Gaura, P.S. Behiya
(Bahorankpur), District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-12-2018 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 Bihiya (Bahoranpur) P.S. case No.315 of 2017 registered under Sections 147, 148, 149, 323, 307, 302, 120(B) of the Indian Penal Code and 27 of the Arms Act, pending in the court of A.C.J.M.-V, Bhojpur at Ara.

The prosecution case, in short, is that on the order of accused Vicky Thakur, petitioner opened fire from country made pistol on the informant's brother, namely, Manoj Thakur, who sustained fire arm injury and fell down on the earth. Accused Karunanidhi Thakur opened fire from katta on Amit Thakur, but did not hit him and accused Vicky Thakur having armed with katta fired on the informant. In course of treatment, Manoj Thakur died.

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. The petitioner was not present at the alleged date and time of occurrence. Same is evident from paragraph nos.27, 28, 29 and 31 of the case diary. The plea of alibi has been taken on behalf of the petitioner. He was admitted in the Hospital at Dhanbad.

On behalf of the State and the learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. Three persons including the petitioner are alleged to have fired upon the deceased and others. The postmortem report 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 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.

Narendra/-

(Sudhir Singh, J)

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