

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2563 of 2019

Arising Out of PS. Case No.-389 Year-2018 Thana- BHORE District- Gopalganj

Ashutosh @ Ashutosh Kumar @ Tipu Singh son of Badri Narayan Singh
Resident of Village-Bhore, P.S.-Bhore, Dist.-Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Rai

For the Opposite Party/s : Mr.Akhileshwar Dayal (App 74)

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-02-2019 Heard the parties.

The petitioner is apprehending his arrest in connection with Bhore P.S.Case No.389 of 2018 registered for offences punishable under Section 307 of the Indian Penal Code.

Allegation as per FIR is that two parties were fighting and the informant order to pacify them intervened in the matter on which the petitioner fired by the revolver causing injury on his waist.

Submission of the learned counsel for the petitioner is that the whole allegation is false and concocted and in order to save their skin from a case lodged by the *Munshi* of the petitioner, which is Annexure-2, the present case has been lodged and further even if the allegation is true and there was no intention to kill the informant rather the FIR at best shows that there was scuffle between the parties and occurrence took place



during that.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail stating that the counter FIR has been lodged after delay of 15 days and there is specif allegation of firing on the petitioner causing injury to the informant. It is further submitted that the petitioner has criminal antecedent and he has suppressed the same.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant anticipatory bail to the petitioner, rather the petitioner is directed to surrender before the learned court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by the order of this Court and if possible to be disposed of on the same day. .

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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