

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4332 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- DHAMDAHA District- Purnia

KUMOD YADAV aged about 30 years, Male, son of Upendra Yadav Resident of village- Amari Kukrohn P.S. Dhamdaha District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-01-2019 Heard both sides.

The petitioner apprehends his arrest in Dhamdaha P.S. Case No.71 of 2018 registered under Sections 307, 326 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

In sum and substance, the allegation is that while the informant and his brother, Alok Kumar was washing their mouth, Kumod Yadav being armed with firearm came near his brother and made indiscriminate firing. His brother received firearm injuries on his chest and other parts of the body.

The learned counsel for the petitioner submits that of course, the petitioner is named in the F.I.R. and specific allegation of firing is made against the petitioner but in fact, the brother of the informant received firearm injury in somewhere else but on account of land dispute, petitioner has falsely been



implicated in the case.

It appears that there is specific allegation against the petitioner that he made indiscriminate firing in presence of the informant and the firing hit Alok Kumar on his chest and other parts of his body. Doctor also found firearm injury on the chest. The investigating officer after investigation found the case true against the petitioner.

Considering the aforesaid facts that there is specific allegation against the petitioner that it was he who fired causing injury on the chest of the brother of the informant, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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