

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16420 of 2019

Arising Out of PS. Case No.-365 Year-2018 Thana- BELAGANJ District- Gaya

SAURABH KUMAR @ SAURAV KUMAR Son of Vinod Singh, Resident of
Village- Koyari Bigha, Police Station- Main, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-03-2019 Heard both sides.

The petitioner apprehends his arrest in Belaganj P.S.

Case No.365 of 2018 registered under Sections 147, 148, 149,
341, 342, 387 and 307 of the Indian Penal Code and under
Section 27 of the Arms Act.

The informant alleged that while he was taking his tractor towards market, a red colour four wheeler bearing No.BR-02W-8313 and three persons on a motorcycle came there. They got the tractor stopped and assaulted the driver of the tractor. The accused persons assaulted the informant and dragged him inside the vehicle. It is further alleged that petitioner fired but the shod did not hit the informant. In the meantime, many persons came there but the accused persons made indiscriminate firing and fled away.

The learned counsel for the petitioner submits that



informant and petitioner are doing business in sand and they have got business rivalry on account of which the present case has been lodged. It is further submitted that there is no allegation of extortion. No offence under Section 307 of the I.P.C. is made out as of course, the allegation of firing is there but nobody was injured. It is further submitted that if 5-6 persons are alleged to have made firing but it is surprising that informant did not get any shot injury.

From perusal of the F.I.R., it appears that petitioner also made firing. When the informant protested, firstly, accused persons assaulted the informant and forcibly got him seated in his own vehicle after assaulting him. It appears that the petitioner has got criminal antecedent and he is accused in as many as four cases registered under Section 307 and other Sections of the I.P.C.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner and the fact that petitioner has got criminal antecedent, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

Saurabh/-

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(Prabhat Kumar Jha, J)

