

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24567 of 2019

Arising Out of PS. Case No.-660 Year-2018 Thana- KHAJANCHI HAT District- Purnia

Sourav Yadav @ Chhotu, aged about 21 years, Male, Son of Late Hari Lal Yadav, Resident of Yadav Tola, Madhubani, P.S.- T.O.P. Madhubani, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-04-2019 Heard both sides.

Petitioner apprehends his arrest in K. Hat (Madhubani) P.S. Case No.660 of 2018, registered under Sections 307 and 34 of the Indian Penal Code as well as under Section 27 of the Arms Act.

The informant alleged that petitioner and others came on motorcycles and petitioner fired at him but the informant got providential escape and did not get any injury. The accused persons fled away after opening fire in air.

Learned counsel for the petitioner submits that there was no intervening circumstances. Other accused persons, who are alleged to have fired, have already been granted anticipatory bail vide order dated 21.12.2018, passed in Cr. Misc. No.74721



of 2018. It is further submitted that no empty cartridge was found inside the shop but it appears from perusal of the FIR itself that it was petitioner who fired aiming at the informant but fortunately the shot did not hit the informant. Other accused persons are alleged to have made firing in the air and on that ground they were granted anticipatory bail by a coordinate Bench but in view of the fact that it was petitioner who fired aiming at the informant, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

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