

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27827 of 2019**

Arising Out of PS. Case No.-442 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Anil Kumar Dev @ Anil Dev Son of Late Brahamdeo Poddar Resident of
Village - Parihara, P.S.- Bakhri, District - Begusarai

... .. Petitioner.

Versus

The State of Bihar.

... .. Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Murli Dhar

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 06-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 341, 307 & 120 B/34 of the Indian Penal Code and Section 27 of the Arms Act.

While the informant was proceeding to his residence, on the way two co-accused persons, namely, Amit Dev and Rahul Dev along with two other unnamed accused persons started indiscriminate firing inflicting injury on the chin, stomach and right hand of the informant and recognizing the informant dead Amit Dev and others left the scene uttering that they have killed the informant as per the instruction of his father (petitioner), over giving deposition against their father



by the brother of the informant.

Learned counsel for the petitioner submitted that no such occurrence as alleged ever took place. The petitioner is quite innocent and has been falsely implicated in this case due to animosity. He was not present at the place of occurrence at the time of occurrence. He happens to be handicapped by his right leg as his right leg has been amputated.

Per contra, learned APP for the State and learned counsel for the informant opposing the bail petition submitted that the petitioner by hatching conspiracy through his sons and two hired criminals has eliminated the informant as the brother of the informant has given deposition against the petitioner in the case lodged against him and in the F.I.R. itself it is stated that the co-accused Amit Dev has left the scene uttering that he has gunned down the victim at the instruction of his father (petitioner) and the CDR report of the mobiles of the petitioner and his two sons indicate their presence together in the village Parihara and as per the averment made by the petitioner and in the bail petition as well as in the supplementary affidavit 23 criminal cases has been lodged against him. Hence, he does not deserve bail.

Considering the facts and circumstances of case



and particularly considering the criminal antecedents, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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