

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40005 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- BIHTA District- Patna

CHHOTU @ CHHOTE @ BIRENDRA KUMAR Son of Sri Sadhu Ji @
Kameshwar Sharma, Resident of Village - Radhe Charan Ke Math (mathiya
Par), P.S.- Bihata, Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Priyedarshi
For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory
bail in connection with Bihta P.S. Case No. 46 of 2019
registered for offence punishable under sections 387, 307/34 of
the Indian Penal Code and section 27 of the Arms Act.

As per allegation, on the fateful day, two persons on
motor cycle came at the shop of informant, resorted firing and
fled away from there. The informant has recognised the
registration number of the vehicle as BR-01 DS73, on that
basis, the co-accused was arrested and he has disclosed the
name of this petitioner.

The learned counsel for the petitioner submits that



the petitioner has wrongly been implicated in the present case and he has not named in the FIR. The FIR has been lodged against one Ujjawal and unknown persons, only the informant has recognized the registration number of vehicle, on that basis, police has got clue and arrested the co-accused and he has taken the name of this petitioner. The petitioner has criminal history of two cases.

Looking to the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner and accordingly his prayer for bail is rejected. However, the counsel for the petitioner submits that the petitioner is suffering from kidney, his both kidney has damaged and he has to take help of dialysis. If the petitioner surrenders before the court below with medical record, the court below after verification of the same will take decision with respect to grant of bail of the petitioner. This Court is not giving any opinion on the merit of the case.

(Shivaji Pandey, J)

Mahesh/-

U		T	
---	--	---	--

