

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42230 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- RAJAOLI District- Nawada

1. VICKKY PANDIT @ VIKY PANDIT S/o Late Lochan Pandit Resident of Village- Hardiya Sector-'D', P.S.- Rajauli, District- Nawada.
2. Hari Pandit S/o Late Lochan Pandit Resident of Village- Hardiya Sector-'D', P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For informant	:	Mr. Ramakant Sharma, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 27-09-2019

This application, for grant of anticipatory bail, arises out of Rajauli P.S. Case No. 36/2019, disclosing offences under Sections 302 of the Indian Penal Code and Section 27 of the Arms Act as well as under Section 15, 18, 20 of the U.A.P. Act.

Allegation as per F.I.R. is that petitioners and other accused persons came and one co-accused took the rifle from petitioner no. 2 and fired on the father of the informant due to which he fell down and thereafter another co-accused Biru Pandit also fired on him due to which father of informant died in course of his treatment. It further appears that the petitioners have given the detail of only one criminal antecedent in their anticipatory bail petition, however, learned A.P.P. drawing the



attention of this Court towards material available in case diary, which shows that petitioners are accused in altogether five other cases.

Submission of learned counsel for the petitioners is that so far this case is concerned, there is no allegation of firing against these petitioners and they have falsely been implicated in this case only because they were present at the place of occurrence..

Learned counsel for the informant as well as learned counsel for the information opposed the prayer for bail and submitted that these petitioners have also participated in the occurrence and furthermore, they are accused in five other cases also.

Having heard both sides, considering the facts and circumstances of the case as well as the fact that petitioners are accused in five other cases, I am not inclined to grant the privilege of anticipatory bail to the petitioners rather petitioners should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed.



Provisional bail earlier granted to the petitioners vide
order dated 11.07.2019, stands vacated.

(Vinod Kumar Sinha, J)

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