

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47447 of 2019

Arising Out of PS. Case No.-259 Year-2018 Thana- DHANARUA District- Patna

SHOMNATH KUMAR @ SONU @ SHOM NATH SHARMA, aged about 25 years, Son of Warun Singh Akela @ Arun Sharma Resident of Village - Brahmarshi Nagar (Pasu Mela), P.O.- Masaurhi, P.s.- Masaurhi, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramji Kumar

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-10-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Dhanarua P.S. Case No. 259/2018 registered under Sections 307 of the Indian Penal Code and 27 of the Arms Act, pending in the court of learned S.D.J.M., Masaurhi, Patna.

As per the prosecution version, on 26.06.2018 the First Information Report was lodged on the basis of the statement of the injured who alleged that he was called by his friend Shivam to join him in a programme which was going on near his village. The informant went there with his friend one Ravi Kumar, Rishi Kumar, Prem Kumar, Kedar Saw and Rahul Kumar. It is alleged that while the programme was going on, all of a sudden one boy stood up from there and fired from his



pistol hitting the same on the stomach of the informant and fled away, thereafter the informant was brought to the hospital and was admitted in the Patna Central Hospital.

Learned counsel for the petitioner submits that it would appear from the First Information Report that this petitioner is not named in the F.I.R. and the injured – informant had not disclosed his name. It is further submitted that this petitioner has got a good academic record and in this connection he has filed a supplementary affidavit also.

Learned A.P.P. for the State submits that while it is true that in the First Information Report the injured has not named this petitioner but in the restatement which was recorded after about one month the informant has disclosed that the assailant was this petitioner who happened to be the friend of Ravi Kumar. Learned A.P.P. submits that the F.I.R. need not be an encyclopedia of the entire occurrence and the manner of the same and as it transpires, after lodging of the F.I.R. the informant might have come to know about the identity of the petitioner who had fired from his pistol. It is submitted that the investigation of the case is still pending.

In the given facts and circumstances of the case where the name of the petitioner has transpired in the restatement of



the injured – informant and the investigation of the case is still going on, this court is not inclined to grant privilege of anticipatory bail to the petitioner.

This application is dismissed.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered by the court below on it's own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

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