

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61730 of 2019**

Arising Out of PS. Case No.-103 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

Chotey Lal Mistry, Son of Sarun Mishtri, Resident of Village-Simraur, P.S-
Neemchak Bathani, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 14-10-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Neemchak Bathani P.S. Case No. 103 of 2018, registered under Sections 147, 148, 149 and 302/120B of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of A.C.J.M.-X, Gaya.

The accusation is that in the evening of 27.07.2018, informant along with his family members and relatives were moving at his pond, where his son, Mumtaj Khan was serving food to fish in the pond. At that time, ten persons named in the F.I.R. including the petitioner came there boarding at two vehicles and Ekram Mian, Kalam Mian, Raju Mian, Babar Mian



and Chhote Lal Mistri (petitioner) made indiscriminate firing at his son, Mumtaj Khan, who sustained injury and died at the spot.

Learned counsel for the petitioner submits while the allegation has been made against Ekram Mian, Kalam Mian, Raju Mian, Babar Mian and Chhote Lal Mistri (petitioner) to make indiscriminate firing at the son of informant, Mumtaj Khan but in the postmortem report, only two firearm injuries were found on the person of the son of the informant.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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