

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78172 of 2019**

Arising Out of PS. Case No.-435 Year-2019 Thana- PHULWARISHARIF District- Patna

Sanjay Kumar @ Sanjay Yadav, son of Narsingh Prasad, resident of village -
Rastriyaganj, P.O. and P.S.- Phulwarisharif, Distt.- Patna (Bihar), Pin Code
no.801505

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhash Patel, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 09-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Phulwarisharif PS Case No.435 of 2019 dated 30.04.2019
instituted under Sections 341, 323, 290/34, 307 of the Indian
Penal Code and 27 of the Arms Act.

3. The allegation against the petitioner is that he had
assaulted the informant, who is his father, and had also fired and
the bullet had grazed the stomach.

4. Learned counsel for the petitioner submitted that
the allegation is false as the petitioner is not on good terms with
the father as he was wanting to transfer the ancestral property in
favour of his brother i.e., the uncle of the petitioner, which was



being objected to by the petitioner due to which this false case has been registered. It was submitted that there has been no recovery of any incriminating material from the petitioner.

5. Learned APP submitted that there cannot be any truth in the stand taken on behalf of the petitioner for the reason that if the property was ancestral, the share of the petitioner could not have been transferred by the father and further, that no transfer has actually taken place. It was submitted that the doctor has found a wound on the stomach from which blood was coming out.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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