

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1529 of 2020

Arising Out of PS. Case No.-250 Year-2019 Thana- DELHA District- Gaya

VICKY KUMAR, aged about 21 years (Male), Son of Raj Kumar Paswan,
Resident of Mohalla-Bageshwari Gumti, Devi Asthan, Pagli Sanjay Ki Gali,
P.S-Delha, District-Gaya(Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar Sharma, Advocate.
For the Opposite Party : Mr. Nityanand Tiwari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-08-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 307 of the I.P.C. and 27 of
the Arms Act.

The prosecution story, in brief, is that on 02.09.2019
at about 8.30 P.M., when the informant was standing near a shop
situated at *Devi Asthan, Bageshwari Gumti* at that time, the
petitioner who was armed with a pistol started abusing him and



having intention to kill, he fired on him which hit his mouth and blood started oozing out. Due to that, he fell down and the persons residing in the same locality and his family members took him to *Magadh Medical Hospital* for treatment. The cause of incident is that four days before when the father of the petitioner was abusing him, the informant slapped him.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The victim has criminal antecedent. He was injured in some other incident. The name of the petitioner has been dragged in the present case due to previous enmity.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of firing against the petitioner upon the victim. The medical report submitted by the Medical Officer indicates that there was gun shot injury found upon the victim. The victim has been given first aid by the doctor and thereafter he was referred to the Referral Hospital for better treatment.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner. The same is



rejected in connection with Delha P.S. Case No. 250 of 2019,
pending in the court of learned A.C.J.M.-VII, Gaya.

(Sudhir Singh, J)

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