

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7176 of 2020

Arising Out of PS. Case No.-189 Year-2019 Thana- BAHADURPUR District- Patna

Harsh Raj @ Golu @ Golu Singh S/o Umesh Singh R/o village- Bahadurpur,
P.O. and P.S.- Bahadurpur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-07-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner apprehends arrest in Bahadurpur. PS Case No. 189 of 2019 registered under Sections 302, 307, 326 and 34 of the IPC and Section 27 of the Arms Act.

While the informant was standing near a shop, the accused persons variously armed have come and allegedly resorted to indiscriminate firing.

Learned Counsel for the petitioner submits that against the petitioner there is only allegation that he was granting cover to the assailants by resorting to firing. Co-accused Rajat Kumar and Neeraj Kumar, having similar allegations, have been allowed anticipatory



bail in Cr. Misc. No. 56163 of 2019 and Cr. Misc. No. 64735 of 2019. The claim is based on parity with the said two co-accused persons.

Learned APP for the State has drawn attention of the Court towards the fact that the petitioner was earlier accused in Bahadurpur PS Case No. 183 of 2018 for the alleged offences under Sections 302 and 34 IPC read with Section 27 of the Arms Act.

On specific query from the petitioner's Counsel, whether Rajat Kumar and Neeraj Kumar had criminal antecedents, the answer is negative. No claim is made out for parity with Rajat Kumar and Neeraj Kumar.

Considering the gravity of the offence this Court does not find this case a fit one for grant of pre-arrest bail. It is however observed that in case the petitioners surrender for grant of regular bail, the prayer has to be considered without having any regard to the order of rejection of anticipatory bail, and on its own merit.

This application is rejected.

(Madhuresh Prasad, J)

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