

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7314 of 2020**

Arising Out of PS. Case No.-314 Year-2019 Thana- ARWAL District- Jehanabad

MD MUKHTAR Son of Gyasuddin Ansari @ Gydudin Hasami Resident of
Kagazi Muhalla, P.S.- Arwal, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mr Prem Kumar Jha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **07-07-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

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

Petitioner apprehends arrest in connection with Arwal Police Station (for brevity, *PS*) Case No 314 of 2019 instituted for the offence punishable under Section (s) 147, 148, 307, 323, 504 of Indian Penal Code and Sections 25 (1-B)a, 26, 27 of



Arms Act.

First information report alleges that the instant petitioner along with co-accused Vishwakarma Kumar has come to the place of occurrence and started abusing the informant. Motive is alleged that the petitioner had taken Rs 7,000/- from the informant and refused to return. Case of the prosecution is that the petitioner has attempted to kill the informant by firing but the same missed. Co-accused Vishwakarma Kumar has been apprehended with country made pistol who has been handed over to the police.

Petitioner's counsel submits that the petitioner has no criminal antecedent. Co-accused Vishwakarma Kumar, from whom the arms have been recovered, has been enlarged on bail by this Court in Cr Misc No 85480 of 2019. The other submission is that there is no injury caused to any person.

Learned APP has opposed the prayer for bail. It is submitted that the fire shot has been alleged against the petitioner.

Considering the rival submissions, this Court does not consider it a fit case for grant of anticipatory bail to the petitioner. The same is rejected.

However, it is made clear that prayer for regular bail shall



be considered by the Court below without having any regard to
rejection of prayer of anticipatory bail by this Court.

(Madhuresh Prasad, J)

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