

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7763 of 2020

Arising Out of PS. Case No.-31 Year-2019 Thana- DEWARIA District- Muzaffarpur

RAHUL KUMAR Son of Ram Kumar Pande Resident of Village - Nawalpur,
P.S.- Kathaiya, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Harendra Prasad, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Deoaria P.S. Case No. 31 of 2019 for the offence registered under Section 307 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, according to the informant, is that on 08.03.2019, he had gone to the marriage ceremony of the daughter of Shankar Singh, upon invitation being extended to him and at about 11:00 p.m. in the night the ceremony of



Jaimal was taking place at the house of Gauri Shankar Singh and the petitioner was firing from the arms being held in his hand whereupon the petitioner had fired one gun shot on the thigh of the informant resulting in him becoming unconscious.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the fact is that on account of merry making on the happy occasion of the marriage of the daughter of Gauri Shankar Singh, the petitioner was firing in the air, however, unfortunately the same had hit the thigh of the informant, hence the petitioner be granted the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the materials on record and taking into account the materials available in the case diary, it is apparent from the statement of the informant, made in paragraph no. 22 of the case diary that the petitioner had fired on his thigh resulting in injury being sustained by him whereafter the petitioner had fled away, hence there is specific and direct allegation of having fired gun shots on the informant qua the petitioner herein, thus I am



not inclined to grant the privilege of anticipatory bail to the petitioner herein, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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