

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9413 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- HULASGANJ District- Jehanabad

PRABHAT KUMAR, Son of Vinay Sharma, Resident of Village-Kandaul,
P.S.-Hulasganj, District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-06-2020 This case has been heard through Video Conferencing.

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

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 302/24 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in brief is that the informant has submitted a written petition before S.H.O., Hulasganj, alleging therein that on 02.12.2019 at about 6 p.m., his brother Rajnikant Pandey was at his shop and at that time all the named accused persons including the petitioner's came to the shop of informant and taken lunch and came to the counter and where a Bill for Rs.140/- was demanded. Accused Dhiraj Kumar deposited



Rs.100/- and when the man in counter demanded rest Rs. Forty then they began to assault the man at counter Vijay Pandit and went out of the shop. When the brother of informant came to know this matter then he told to lodged FIR on the basis of CCTV footage and went to his home. In the meanwhile the three persons were standing and as soon as Rajnikant reached about 50 feet ahead from Utimpur turning, they started assaulting him and accused Dhiraj took out pistol and fired on him and the brother of informant, named Rajnikant died at the spot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. There is no involvement of the petitioner in this case. The allegations are that the dispute arose due to payment of money in the shop of the informant. There is no direct allegation against the petitioner. The petitioner was said to be present at the place of occurrence and there is no overt act alleged against the petitioner.

Learned APP for the State submits that the petitioner has involved in eight cases and there is direct allegation against the petitioner. So, this is not a case of anticipatory bail.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer



for bail of the petitioner is rejected in connection with Hulasganj
P.S. Case No. 174 of 2019 from the Court of learned Sub
Divisional Judicial Magistrate, Jehanabad.

Accordingly, the application is dismissed.

However, petitioner is directed to surrender before the
learned court below and make prayer for bail, the learned court
below shall dispose of the bail petition on the same day without
being prejudiced by this order.

(Anjani Kumar Sharan, J)

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