

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24464 of 2020

Arising Out of PS. Case No.-164 Year-2020 Thana- BRAHMPUR District- Buxar

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PREM SAGAR SINGH @ PREM SAGAR YADAV @ PINTU YADAV S/o
Late Ganga Prasad Yadav Resident of Village- Chakki Bhola Dera, Ward
No.04, P.S.- Brahmpur (Chakki), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Himanshu Sagar

For the Opposite Party/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 23-12-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

This application, for grant of anticipatory bail, arises
out of Brahmpur (Chakki O.P.) Police Station Case No. 164 of
2020, disclosing offences under Sections 341/323/307/506 of
the Indian Penal Code and Section 27 of the Arms Act.

The allegation, as per the First Information Report, is
that the petitioner fired upon the informant, which hit the left
thigh of the informant and the informant received serious gun-
shot injury.

Learned Counsel for the petitioner submits that the
petitioner is a Government employee, working in I.T.B.P. and at



present he is posted at the Border. He further submits that both the parties are agnates and there is dispute over the passage between the parties. He further submits that there is case and counter case inasmuch as the wife of the petitioner has lodged Brahmpur (Chakki O.P.) Police Station Case No. 165 of 2020 against the informant and his brother.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that two rounds were fired by the petitioner upon the informant and the first firing made by the petitioner did not hit the informant; whereas the second firing made by the petitioner hit the informant on his thigh, and, thus, the petitioner does not deserve the privilege of anticipatory bail.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record and the fact that there is direct allegation of firing against the petitioner and the informant has received gun-shot injury on his thigh, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioner surrenders before the learned Court below and pray for regular bail, the learned Court



below will consider the prayer for regular bail on its own merits
without being prejudiced by the present order of dismissal of
anticipatory bail application.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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