

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27088 of 2020

Arising Out of PS. Case No.-53 Year-2020 Thana- KHAJEKALA District- Patna

MD. SAMSHER Son of Md. Samo Resident of Mohalla- Sah Ki Imli, P.S.-
Khajekalan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-11-2020 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 Shri Rajendra Nath Jha, the learned A.P.P. appearing for the State.

The petitioner apprehends his arrest in connection with Khajekalan P.S. Case No. 53 of 2020 for the offence punishable under Sections 341, 323, 504, 456, 354, 307, 506, 34 of the Indian Penal Code and section 27 of the Arms Act.

The allegation is regarding the petitioner and three other miscreants having arrived at the house of the informant in the night of 30.01.2020 at about 9:00 P.M. and having asked the informant to open the door in order to meet the sister of the



informant, whereafter the petitioner is stated to have fired from his country made pistol. It is further alleged that the petitioner used to tease the sister of the informant whenever she used to go out for her studies or to the market place.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the allegations levelled in the FIR are motivated and have been levelled against the petitioner with oblique motives.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that the petitioner is an accused in three other cases and moreover, he has engaged in a heinous crime of teasing the sister of the informant and had also gone to the house of the informant and engaged in firing gunshots, I do not find the present case to be at least a fit case for grant of anticipatory bail, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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