

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25579 of 2020**

Arising Out of PS. Case No.-311 Year-2017 Thana- BUXAR MUFFSIL District- Buxar

PINTU MISHRA Son of Ramkripal Mishra Resident of Village- Chousa, P.S.-
Buxar (Muffasil), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Uma Shankar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 24-11-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Buxar(Muffasil) P.S. Case No.311 of 2017 registered under Sections 447, 341, 323, 504, 379 and 506 of the Indian Penal Code, under Section 30(a) of Bihar Prohibition and Excise Act and under Sections 25(1-b)a, 26 and 35 of the Arms Act.

In sum and substance, the informant alleged that the petitioner and others came to his restaurant in the morning and ate paneer chili and other articles but did not make payment. On demand, the accused persons abused the informant and left the restaurant of the informant. It is further alleged that petitioner and others again came in the evening and the accused persons demanded a glass to take liquor but on refusal the accused persons made firing.



The learned counsel for the petitioner submits that petitioner is innocent and he has in fact committed no offence. The petitioner has falsely been implicated in the case on account of business rivalry. It is further submitted that nobody was injured in the firing. Nothing was recovered from the place of occurrence in order to show that any firing was made but it appears that Dhanu Mishra and Guddu Mishra surrendered in the court below and they were granted bail by the learned court below. The petitioner has not surrendered as yet.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below within four weeks, learned court below shall consider the prayer for regular bail of the petitioner taking into consideration the fact that two other accused persons have already been granted bail on their surrender and dispose of the bail petition of the petitioner preferably on the same day.

(Prabhat Kumar Jha, J)

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