

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28169 of 2020

Arising Out of PS. Case No.-105 Year-2019 Thana- AANDAR District- Siwan

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SANOJ KURMI, aged about 35 years, Male, Son of Late Genda Kurmi,
Resident of Village- Usari, P.S.- M.H. Nagar, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-12-2020 Heard Mr. Raghav Prasad, the learned counsel for the

petitioner and Mr. Shyameshwar Dayal, the learned Additional P.P.

through video conferencing.

The petitioner apprehends his arrest in Ander P.S. Case
No.105 of 2019, registered under Sections 341, 323, 448, 504, 307
and 34 of the Indian Penal Code and 27 of the Arms Act.

The informant alleged that while he along with his
family members were supervising the construction work, Sanoj
Kurmi, the petitioner and Vinod Kurmi having armed with pistol
came on a motorcycle and they made firing. The informant got
providential escape. The occurrence took place only because the
informant protested the illegal activities of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has in fact committed no offence. The



petitioner has falsely been implicated in the case on account of previous enmity. The petitioner is alleged to have fired but nobody was injured. Allegation of firing is false. The informant was within the range of the petitioner and if the petitioner had intention to kill him, he would have made repeated firing, therefore, the petitioner deserves anticipatory bail.

The learned Additional P.P. however, opposed the prayer for anticipatory bail.

Perused the FIR. It appears that the petitioner has got criminal antecedent and there is specific allegation that the petitioner made firing. From the place of occurrence, two empty cartridges were recovered and this fact shows that two firing was made by the petitioner and his accomplice.

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

(Prabhat Kumar Jha, J)

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