

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73740 of 2019**

Arising Out of PS. Case No.-541 Year-2019 Thana- FATUA District- Patna

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Pintu Kumar @ Pintu Gope, Son of Dilip Prasad @ Munna Resident of  
Village - Rasalpur, P.S.- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr.Pushpa Sinha.1

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      05-03-2020                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with  
Fatuha P.S. Case No.541 of 2019, registered, for the offence  
punishable under Sections 147, 148, 149, 341, 323, 324, 307,  
120(B), 504 of the Indian Penal Code and Section 27 of Arms  
Act.

The allegation against the petitioner is that he along  
with other co-accused person formed an unlawful assembly and  
fired upon Samir Kumar @ Tantan, which caused gun shot  
injury near the elbow of the victim.

Mr. Surendra Kumar Mishra, learned counsel  
appearing for the petitioner submits that petitioner has falsely



been implicated in this case inasmuch as occurrence had allegedly taken place on 11.08.2019 but the present FIR has been filed on 13.08.2019, i.e., after delay of about one and a half day. Learned counsel further submits that the firing made by the petitioner has caused injury on the non-vital part of the victim, i.e., near his elbow. Learned counsel further submits that the petitioner has not committed any offence in the manner alleged.

On the other hand, learned counsel appearing for the State referring to the case diary and antecedent report submits that the petitioner has got criminal antecedent and four cases have been lodged against the petitioner out of which in one case, the petitioner has been acquitted.

After having heard learned counsel for the parties and taking into consideration the fact that there is specific allegation against the petitioner of firing upon the victim which hit the victim near his elbow and the petitioner has got criminal antecedent, I am not inclined to grant anticipatory bail to the petitioner and the same is hereby rejected.

sanjeev/-

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**(Anil Kumar Sinha, J)**

