

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86555 of 2019

Arising Out of PS. Case No.-318 Year-2019 Thana- BARH District- Patna

SAURAV KUMAR Son of Chhato Singh @ Satish Singh Resident of Village-
Nauranga @ Navranga, P.S.- Maranchi (Pachmahla O.P., Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parmod Kumar, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP
For the Informant	:	Mr. Arun, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-06-2020 Heard Mr. Parmod Kumar, learned counsel
for the petitioner, Mr. Arun for the informant and Mr.
Akshay Lal Pandit for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Barh P.S. Case No. 318 of
2019 dated 12.07.2019 instituted for the offences under
Sections 147, 148, 149, 307 and 506 of the Indian
Penal Code and Section 27 of the Arms Act.

The informant has alleged that while he was
sitting in his shop, accused persons came and three out
of them opened fire. The informant was injured because
of such occurrence. One of the accused persons viz. Ravi
Kumar was arrested by the persons of the
neighbourhood and was handed over to the police. The
cause of occurrence is stated to be demand of protection



money and refusal of the informant to pay up the same.

Learned counsel for the petitioner has submitted that he has been named in the FIR because of the confession made by Ravi Kumar who was arrested by the public and given to the police. There is no specific accusation against the petitioner and the petitioner is a young person who has no connection with the other accused persons, who have resorted to firing.

As opposed to the aforesaid contention, learned counsel for the informant has submitted that Ravi Kumar has been granted regular bail.

Assuming but not admitting, it has further been argued, that there is no specific accusation against the petitioner so far as the act of firing is concerned but considering the nature and sequence of the offence, anticipatory bail ought not to be granted to the petitioner.

Regard being had to the nature of accusation in the FIR, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account the following factors *viz.* that the petitioner



does not have criminal antecedent, he is not attributed with any specific overt act and that one of the arrested accused person has been granted bail by a bench of this Court and shall pass orders in accordance with law without being prejudiced by the fact that, the present petition has not been entertained.

(Ashutosh Kumar, J)

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