

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17604 of 2021

Arising Out of PS. Case No.-478 Year-2020 Thana- SAHARSA District- Saharsa

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HARSH @ PRANAV HARSH SON OF SHUBHASH CHANDRA JHA
RESIDENT OF VILLAGE- BARA, POLICE STATION- KHODAWLANDPUR,
DISTRICT- BEGUSARAI, AT PRESENT NEW BAZAR, WARD NO. 3,
SARAH ROAD, P.S.- SAHARSA, DISTRICT- SAHARSA

... .. Petitioner

Versus

The State of Bihar BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar
For the Opposite Party/s : Mr. Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 31-05-2021 Heard Mr. Mrityunjay Kumar, learned counsel for

the petitioner and Mr. Ram Priya Sharan Singh, learned APP

for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Saharsa Sadar P.S. Case No. 478

of 2020 instituted for the offences under Sections 147,

148, 149, 307, 504, 506 and 509 of the Indian Penal Code.

The daughter of the informant was hit by a

gunshot. The petitioner is not named in the F.I.R. but

during the course of investigation, it came to light that that

the petitioner was driving a two – wheeler and his pillion



rider shot from his weapon aiming at one Munna but unfortunately the bullet hit the daughter of the informant.

Learned counsel for the petitioner has submitted that his name has transpired only during the course of investigation and that also not as the shooter. Apart from this, it has been submitted that the petitioner does not have criminal antecedents and the possibility of his having been identified as driving the two-wheeler could be a mistake as well. He further submits that there was no association between Munna and the petitioner or for that matter the victim or the informant and, therefore, merely because the name of the petitioner has transpired during the course of investigation as a person who was driving somebody who had fired and had hit the daughter of the informant, his application for anticipatory bail ought not to be rejected.

After having heard the learned counsel for the petitioner and the State, I am not inclined to grant anticipatory bail to him as the petitioner took part in the chase and his pillion rider resorted to firing.

The prayer for anticipatory bail is rejected



However, if the petitioner surrenders before the court below and seeks bail, his application shall be considered on its own merits, taking into account the fact that the name of the petitioner has transpired during the course of investigation and that he is not the author of the injury on the victim and order shall be passed in accordance with law without being prejudiced by the fact that the present petition on behalf of the petitioner has not been entertained.

(Ashutosh Kumar, J)

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