

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28072 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Mukesh Kumar @ Mukesh Kumar Gupta S/o Arjun Das R/o village-
Nowkothi, Ward No. 12, P.S.- Nowkothi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Sunil Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 307, 120B,
34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case is that Madhukar Kumar, the
neighbor of the informant took away Dharmbir Kumar, the
brother of the informant to his house. After some time,
informant heard sound of firing and ran to the house Madhukar
Kumar and saw that his brother laying down in pool of blood
and Rupesh Kumar and Mukesh Kumar (petitioner) were fleeing
on a motorcycle. Rupesh Kumar was carrying a pistol in his



hand and Mukesh Kumar was driving the said motorcycle.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is specific allegation against Rupesh Kumar who fired on the victim. He submits that petitioner bears no criminal antecedent as stated in para-3 of the bail application.

However, learned APP for the State opposing the prayer for bail submitted that from perusal of the impugned order it transpires that the informant in his re-statement in para-3 of the case diary have supported the prosecution case. In para 17 of the case diary the injured Dharmbir Kumar has supported the prosecution case, hence, petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of the case and also the fact that the petitioner was driving the motorcycle on which the co-accused, who resorted firing, was pillion rider, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Nawkothe P.S. Case No. 181 of 2020 pending before the court of the learned Judicial Magistrate, 1st Class, Begusarai.

devendra/-

(Anjani Kumar Sharan, J)

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