

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28730 of 2020**

Arising Out of PS. Case No.-942 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

RAHUL KUMAR @ LATHI Son of Saroj Singh Resident of Village-
Shahbajpur, Behind Panchayat Bhavan, at present residing at Shahbajpur
Masing Asthan, Tenant in the house of Bhagya Narayan Thakur, P.S.-
Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sunil Kumar, Advocate

For the Opposite Party/s : Mr Ganesh Pd Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 11-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Ahiyapur Police Station
(for brevity, *PS*) Case No 942 of 2019 instituted for the offence
punishable under Sections 447, 341, 323, 307, 379/34 of Indian
Penal Code and Section 27 of Arms Act.

Allegation against the petitioner is that he fired upon
the younger son of the informant, namely, Sonu Kumar.

Learned counsel for the petitioner submits that no
motive has come in the prosecution case or during the course of
investigation. Under such circumstances, the allegations
become doubtful and it is merely a false implication of the



petitioner.

Learned APP submits that specific firing has been attributed against the petitioner, as per the order of the Court below. The injury report corroborates the allegation. In the circumstances, it is not a case where the petitioner should be granted anticipatory bail.

Considering the rival submissions, this Court is inclined to accept the submission of learned APP.

Prayer for anticipatory bail is rejected.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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