

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28717 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- ARWAL District- Jehanabad

Nityanand @ Nityanand Singh, Son of Late Bhagwan Singh, Resident of Village- Khankulipur, P.S.- Arwal, District- Arwal. At present Chairman Arwal Nagar Parishad, Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Smt. Soni Shrivastava, Advocate
For the S t a t e	:	Ms. Asha Kumari, APP
For the Informant	:	Mr. Rikesh Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-01-2021 Heard learned counsel for the petitioner and the learned APP for the State as well as the learned counsel for the informant.

The petitioner is apprehending his arrest in connection with Arwal P.S. Case No.95 of 2020 registered for the offence punishable under Sections 147, 148, 149, 354, 324, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act, which is pending in the court of the learned C.J.M., Arwal.

One Arbind Kumar (the informant of this case) has stated that the instant petitioner has been teasing his brother's wife for some time. The petitioner along with other co-accused persons, it is alleged, after consuming some alcohol on the alleged date also insulted the victim and subsequently variously



armed, they have resorted to firing upon the informant and his family members.

Learned counsel for the petitioner submits that in respect of the occurrence, there is a case and counter case. The counter version is to be found in Annexure 2 to this application. Some persons have also sustained injuries in the counter case and one of them is critically ill and hospitalized at the moment. It is further submitted that having political background, the petitioner has been implicated in many cases for political reasons and other extraneous considerations. It is submitted that the petitioner has already been acquitted in many out of 21 other cases, detailed in paragraph 3 of this application.

Learned counsel for the informant and the learned APP for the State have opposed the prayer for bail. It is submitted that the petitioner is having a criminal antecedent as many cases are still pending against him. The victim upon whom it is alleged that the petitioner has fired, has suffered gunshot injury, which stands corroborated in course of investigation. In view of the aforesaid materials and the nature of the petitioner's antecedents, it is not a fit case where the petitioner may be allowed the privilege of anticipatory bail.

Considering the rival submissions, this Court is



inclined to accept the submissions advanced by the learned counsel for the informant and the learned APP for the State.

The anticipatory bail application is rejected.

This Court would expect that the petitioner’s counsel would honour her undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date she is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

