

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33215 of 2020**

Arising Out of PS. Case No.-41 Year-2020 Thana- TANKUPPA District- Gaya

BIRENDRA KUMAR @ BIRENDRA @ PARI YADAV S/o Shankar Yadav
@ Ramchandra Yadav R/o village- Sonbigha, P.S.- Tankuppa, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

3 09-04-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

The petitioner is apprehending his arrest in Tankuppa
P.S. Case No. 41/20 registered under Sections 341, 342, 323,
324, 307, 216, 120(B) and 34 of the Indian Penal Code and 27
of the Arms Act.

The prosecution allegation, in short, is that the
petitioner fired at the informant due to which he sustained
injury.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the
present case. As per the allegation, the petitioner is said to have



caused fire arms injury on the leg of the informant. The same is on the non-vital part of the body. Hence, no offence under Section 307IPC is made out.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. Specific allegation of firing is alleged against the petitioner causing fire arms injury on the leg.

Considering the same, I am not inclined to grant anticipatory bail to the petitioner. The prayer is rejected. The petitioner is directed to surrender in the Court below. If the petitioner surrenders in the Court below and makes prayer for regular bail, the same shall be considered on its own merit without being prejudiced by this order and preferably may be disposed of on the same day.

(Sudhir Singh, J)

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