

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2015 of 2020**

Arising Out of PS. Case No.-89 Year-2020 Thana- MADANPUR District- Aurangabad

AKSHAY KUMAR S/o Late Indrdeo Singh Resident of Village-Chandelpur,
P.S.-Madanpur, District-Aurangabad.

... .. Appellant

Versus

1. The State of Bihar
2. Ganesh Rajak S/o Sukhlal Baitha Resident of Village-Fudkibigha, P.S.-
Madanpur, District-Aurangabad.

... .. Respondents

Appearance :

For the Appellant : Mr.Sanjay Kumar, Advocate
For the Respondents : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

6 05-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The present appeal has been filed for setting aside the
order dated 26.8.2020 passed by learned Additional Sessions
Judge I cum Special Judge, SC/ST Act, Aurangabad in
Madanpur Police Station Case No. 89 of 2020, registered for the
offence punishable under Section 307 and other allied sections



of the Indian Penal Code, section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2) of SC/ST Act, whereby the prayer for grant of anticipatory bail of appellant was rejected.

As per the prosecution case, this appellant is alleged to have caused fire arm injury on the right leg of the informant.

It is submitted on behalf of appellant that the FIR has been lodged belatedly after three and a half days of the occurrence without giving cogent explanation. It is further submitted that there is land dispute between the parties and there is a case and counter case and in the case filed by the appellant's side, namely, Madanpur Police Station Case No. 88 of 2020 dated 20.5.2020 uncle of the appellant has been killed.

However, learned Special P.P. has opposed the appeal and submitted that as per the allegation, appellant abused the informant by his caste name and he also fired causing fire arm injury in the leg of the informant.

Considering the rival submissions of the parties, materials available on the record and the gravity of offence, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail to the appellant, is hereby rejected with direction to surrender and seek regular bail which would be



considered on its own merit.

(Prabhat Kumar Singh, J)

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