

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35947 of 2020

Arising Out of PS. Case No.-158 Year-2020 Thana- BIDUPUR District- Vaishali

RAHUL KUMAR S/o Alok Kumar @ Pintu R/o village- Gopalpur Chaknai,
P.S.- Bidupur, District- Vaishali Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Informant : Mr. Choubey Jawahar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-04-2021 Heard learned counsel for the petitioner, learned
A.P.P. and learned counsel for the informant through Video
Conferencing.

The petitioner apprehends his arrest in Bidupur P.S.
Case No.158 of 2020 registered under Sections 341, 323, 324,
307 and 34 of the Indian Penal Code.

The informant named the accused persons including
the petitioner and alleged that they all having armed with
weapons came to the house and made indiscriminate firing.
They were searching for Sanjay (brother-in-law of the
informant). The father-in-law of the informant came and
informed that Sanjay was not present in the house. Thereafter
the accused persons abused and made indiscriminate firing. The
firing made by Kundan and Ritesh hit the informant.

Learned counsel for the petitioner submits that only
two injuries are found on the person of the informant. Both
injuries are attributed to Kundan and Ritesh. It is further
submitted that on the basis of fardbeyan of the petitioner,



Bidupur P.S. Case No.152 of 2020 was registered against the sons and brother-in-law of the informant. In order to save the skin of her sons and brother-in-law, the informant lodged this false case, but learned counsel for the informant submits that it is mere a matter of chance. The petitioner lodged the case in order to save his own skin. The occurrence took place at the residence of the informant. All the accused persons including the petitioner firstly made indiscriminate firing and thereafter the firing made by Kundan and Ritesh hit the informant's leg.

It appears that there is specific allegation that all the accused persons made indiscriminate firing through iron gate of the house of the informant but fortunately the informant did not receive any injury. Later on Kundan and Ritesh also fired causing firearm injury on the leg of the informant.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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