

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1956 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- RAJNAGAR District- Madhubani

PRASHANT KUMAR DINKAR @ PRASHANT SON OF BRIJMOHAN
CHAUDHARY Resident of Village - Shahpur, P.S.- Pandaul, Distt.-
Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Mishra

For the Opposite Party/s : Mr. Umeshnand Pandit

For the Informant : Mr. Ravindra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Rajnagar
P.S. Case No. 101 of 2020 registered under Sections 302,
120(B) of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that owing to
land dispute, the accused persons, variously armed, fired upon
the victim due to which he sustained injury and later
succumbed to the 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. It is further submitted that in his restatement, the informant stated that he is not an eye witness to the alleged occurrence. The petitioner has been made accused due to previous enmity.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. and informant is the eye witness to the alleged occurrence. There is specific allegation against the petitioner of firing upon the deceased. The post-mortem report also indicates the wound of entry and exit caused by fire arms injury. The post-mortem report corroborates with the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner taking into account that the petitioner is the assailant. Prayer is rejected. However, if the petitioner surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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