

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6219 of 2021**

Arising Out of PS. Case No.-236 Year-2018 Thana- NOKHA District- Rohtas

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Anil @ Abhay Tanto, son of Anup Tanto, Resident Of Village - Pipara, Police
Station - Nokha, District – Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Rajani Kant Singh, Advocate

For the Opposite Party : Mr.Yogendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 17-12-2021 Heard learned counsel for the petitioner and Mr.
Yogendra Kumar, learned A.P.P. for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Nokha P.S. Case No. 236 of 2018 registered for the offences punishable under Sections 307 of the Indian Penal Code and 27 of the Arms Act. He has no criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, the informant has alleged that on 27.08.2018 when she was coming home after taking dinner of birthday party at the house of one Mithilesh Singh, at about 11:00 P.M. at a distance of five meters from her house, when her elder son Sunil Tanto reached there then her younger son Anil @ Abhay Tanto fired at him and fled away from there and with the help of villagers her elder son Sunil



Tanto was brought to hospital for treatment. The informant further alleged that the occurrence took place due to house partition.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that from the F.I.R. itself it is evident that there is enmity between the petitioner and injured Sunil Tanto for partition of house, they are full brother and the informant is mother.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials available on the record showing that the informant is none else but the mother of this petitioner and the injured both and it is her statement that this petitioner had caused a pre-mediated attack on the injured and fired upon him, the informant being mother is an eye witness to the alleged occurrence, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case, the petitioner surrenders and prays for regular bail in the learned court below within four weeks from today,



his prayer for regular bail shall be considered on it's own merit
without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

