

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5815 of 2021**

Arising Out of PS. Case No.-473 Year-2019 Thana- SAUR BAZAR District- Saharsa

DEEPAK KUMAR @ DEEPAK SHARMA, son of Manilal Sharma @
Nunumani Sharma, resident of village-Bishwari P.S.-Gwalpara, District-
Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bikramdeo Singh Mr. Pawan Kumar
For the State	:	Mr. Arun Kumar Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 14-12-2021 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehends his arrest for the

offences alleged under Sections 147, 148, 149, 302, 504 and 506

of the Indian Penal Code and Section 27 of the Arms Act,

registered in connection with Sour Bazar (Pastpar O.P.) P.S. Case

No. 473 of 2019.

As per the FIR, a Scorpio vehicle bearing

Registration No. BR-43P-0025 was on Dhavauli main road



containing the mikes and board of Mukhiya Gram Panchayat Biswari when the son of the informant Jyotish Kumar, aged about 13 years, was coming by a *tamtam*. Some altercation took place, whereupon some unknown persons shot him dead.

The learned counsel for the petitioner has submitted that the FIR has been registered against unknown and in the case diary nothing has emerged, which shows the complicity of the present petitioner in the alleged occurrence. He has submitted further that except the confessional statement of co-accused in which he has named the present petitioner, there is no incriminating material against the present petitioner.

On the other hand, the learned APP has submitted that the witnesses in paragraph nos. 12 and 13 of the case diary have named the present petitioner as also it has been mentioned that there was previous enmity between the parties, to which the learned counsel for the petitioner has submitted that the eye-witnesses in paragraph nos. 7 and 8 have not named the present petitioner.

Considering the above facts and circumstances that there is previous enmity between both the parties and the petitioner was also in the vehicle and his named has figured in paragraph nos. 12 and 13 of the case diary including the self-



inculpatory confessional statement of co-accused Angad Yadav in paragraph no. 38 of the case diary, I am not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, his prayer is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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