

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80956 of 2019

Arising Out of PS. Case No.-914 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

1. PAWAN KUMAR Son of Rambali Sah Resident of Village - Neuri, P.S.- Ahiyapur, District- Muzaffarpur
2. Pappu Kumar Son of Rambali Sah Resident of Village - Neuri, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 31-08-2021 Heard Mr. Nachiketa Jha, learned counsel for the

petitioners and Mr. Shyam Kumar Singh, learned APP for the

State.

The petitioners seek bail in anticipation of their

arrest in connection with Ahiyapur P.S. Case No. 914 of

2019 instituted for the offences under Sections

302/120B/34 of the Indian Penal Code and Section 27 of

the Arms Act.

The accusation in the F.I.R. is that the informant

saw the petitioners and others following his younger son.

Later, he heard a sound of firing and saw his son



injured. The son of the informant told him that the petitioners and others have fired upon him. The informant harboured suspicion against the petitioners and others because sometimes prior to the occurrence, the deceased was threatened of dire consequences.

Mr. Jha, learned counsel for the petitioners has submitted that the informant is not an eye witness to the actual occurrence of assault and that the manner in which the occurrence has been narrated casts doubt on the veracity of the F.I.R. If two persons will catch hold of the victim and others would fire at him, the persons who are alleged to have caught hold of the victim would also run the risk of being injured or killed. On these two grounds, Mr. Jha, has prayed for grant of anticipatory bail to the petitioners.

From perusal of the F.I.R. itself, it appears that the petitioners and others were seen following the deceased. The informant saw and heard the deceased shortly before he died. Since the petitioners have been named in the F.I.R. as they were named by the deceased shortly before his death, I am not inclined to grant anticipatory bail to them.



Accordingly, the prayer for anticipatory bail is rejected.

While disposing of this petition, the Court has also taken note of the fact that the petitioner no. 1 is an accused in more than one cases.

(Ashutosh Kumar, J)

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