

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11786 of 2021

Arising Out of PS. Case No.-745 Year-2019 Thana- FATUA District- Patna

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Pawan @ Pavan Kumar @ Lala S/O Ram Babu Singh Resident of Village-
Sotichak, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 28-04-2022 Heard Mr. Ramakant Sharma, learned senior

advocate for the petitioner and Mr. Narendra Kumar Singh for

the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Fatuha P.S. Case No. 745 of 2019 dated
27.10.2019 instituted for the offences under Sections 341, 323,
324, 384, 386, 307, 504, 506/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The accusation against the petitioner is of firing at the
father of the Informant, which hit him in his stomach.

One Subodh is stated to have fired again which hit the
father of the Informant in his hand.

The learned counsel for the petitioner has submitted



that the accusation is absolutely false. In fact, independent witnesses have stated before the Investigator that in a clash between two groups, firing was resorted to which led to injuries on the person of the petitioner himself.

The case diary was not produced before the court below when the petition was rejected. However, from the injury report available in the case diary, which has been received in this Court, it appears that the victim of the Informant has received gun-shot injury.

There appears to be some doubt whether the victim has received gun-short injury in his stomach, which is squarely attributable to the petitioner but, considering the fact that the petitioner also opened fire along with one Subodh and the victim has received gun-shot injury, I am not inclined to grant anticipatory bail to the petitioner.

While saying so, the Court has also taken note of the fact that the petitioner earlier was made accused in two cases about which reference has been made in para-3 of this petition.

The prayer for anticipatory bail is thus rejected.

However, if the petitioner surrenders before the court below and prays for bail, his application shall be considered on its own merit without being prejudiced by the fact that the



present petition filed on his behalf has not been entertained by
this Court.

(Ashutosh Kumar, J)

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