

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5068 of 2022

Arising Out of PS. Case No.-135 Year-2020 Thana- KASIMBAZAR District- Munger

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GULSHAN YADAV @ GULSAN YADAV @ GULSHAN KUMAR Son of
Pramod Yadav Resident of Village - Sandalpur, P.s.- Kasim Bazar, Distt.-
Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2022 The present petition is by way of second attempt at the behest of the petitioner for grant of anticipatory bail in connection with Kasim Bazar P.S.Case No. 135 of 2020 under Section 147, 148, 149, 452, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act inasmuch as his earlier prayer for grant of anticipatory bail was rejected by this Court vide order dated 3.6.2021 passed in Criminal Miscellaneous No. 39564 of 2020.

The petitioner is alleged to have fired gunshots from his rifle on the son of the informant resulting in him sustaining firearm injury, which



has been found to be grievous in nature.

The learned counsel for the petitioner has submitted that the petitioner is an Army Officer and his neighbours are anti-social elements, who do not want to see the progress of the petitioner, hence, they have falsely implicated the petitioner in this case. The learned counsel for the petitioner has further submitted that the petitioner is an employee in Army, working on the post of Havildar Clerk and is posted at the NCC (Bihar and Jharkhand) Unit at Patna.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that the petitioner has got no regard for the process of law inasmuch as the FIR in question was registered on 23.5.2020 and the prayer of the petitioner for grant of anticipatory bail was rejected by an order dated 3.6.2021, passed by this Court, however, even after a lapse of about one year and nine months, the petitioner is still absconding and has not surrendered before the learned court below, hence, no mercy should



be shown to him.

Having regard to the facts and circumstances of the case and having considered the materials on record, this Court finds that the prayer of the petitioner for grant of anticipatory bail was rejected earlier by this Court vide order dated 3.6.2021, by a detailed and a well-reasoned order on the ground that there is direct allegation against the petitioner of having fired gunshots from his rifle upon the son of the informant resulting in him sustaining grievous injuries and moreover, there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of anticipatory bail, apart from the fact that the petitioner has got no respect for the process of law inasmuch as he is absconding since about one year and nine months and has not subjected himself to the process of law despite his anticipatory bail having been rejected by this Court earlier vide order dated 3.6.2021, hence, I do not find any reason to reconsider the prayer of the petitioner for grant of anticipatory bail, thus, the



present petition stands dismissed.

Nonetheless, the petitioner is granted two weeks time to surrender before the Ld. Court below and seek regular bail.

(Mohit Kumar Shah, J)

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