

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8473 of 2022

Arising Out of PS. Case No.-645 Year-2020 Thana- ISLAMPUR District- Nalanda

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NARESH PRASAD SON OF RAM KISHUN PRASAD Resident of Village -
Milkipar, P.s.- Chhabilapur, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-03-2022 Heard Mr. Anil Kumar Singh, learned Advocate for

the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Islampur P.S. Case No. 645 of

2020 dated 23.10.2020 instituted for the offences under

Sections 302 and 34 of the Indian Penal Code and section

27 of the Arms Act.

Earlier, the application for anticipatory bail of the

petitioner (Cr. Misc. No. 37173 of 2021) was withdrawn

under a mistaken notion and on there being some confusion

with respect to instructions given by the learned counsel.

As such a fresh petition for grant of anticipatory



bail has been filed.

From the prosecution report, it appears that the petitioner and several others had congregated at the house of one Pinki Devi during the day-time and in the night, all the accused persons including the petitioner arrived at the house of the petitioner and two of the other accused persons are said to have opened fire as a result of which the father-in-law of the informant died.

Mr. Anil Kumar Singh, learned counsel for the petitioner submits that except for the petitioner being shown to be one of the members of the mob, no other overt act has been attributed against him.

Be that as it may, considering the fact that the petitioner was seen by the informant in the day-time, conspiring to commit an occurrence and that he is also alleged to have come to the house of the petitioner at the time of the occurrence, I am not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the



court below and seeks bail, his application shall be considered on its own merits taking into account that no overt act has been attributed against him and an order shall be passed without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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