

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19110 of 2021**

Arising Out of PS. Case No.-39 Year-2020 Thana- BITHAN BAZAR District- Samastipur

AMARJEET KUMAR @ AMARJEET YADAV S/o Hare Ram Yadav @
Munna Sardar R/o Village - Sihma Bithan, P.S. - Bithan, Dist. - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate.

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-01-2022 Heard Mr. Dilip Kumar Roy, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Bithan P.S. Case No. 39 of 2020 instituted for the offence under Sections 341, 342, 364, 323, 504 and 506 of the Indian Penal Code.

It has been alleged in the F.I.R. that a group of criminals headed by one Chandan were misbehaving with two brothers namely Sajjan Kumar and Mujjan Kumar. When the local persons intervened, aforesaid Chandan ordered for firing.

All the accused persons then are said to have opened fire injuring one of the brothers. Later, the villagers started chasing the miscreants. Five of the miscreants were arrested, but two of them, one being the petitioner, could manage to escape.



He was identified by the victim as also by the villagers. One of the person who had managed to run away along with the petitioner was arrested on the next day.

Learned counsel for the petitioner has submitted that so far as he is concerned, he is only said to have been identified by the villagers and the victim as having run away at the time of chase. He submits that perhaps there could be a mistaken identity of the petitioner. The petitioner is a student and has clean track record. He further submits that the statement with respect to his identification by the villagers is too vague to be accepted as sacrosanct. The name of such persons who have identified him have not been disclosed in the F.I.R. or in the investigation papers. The petitioner may have been, for all anybody could know, one of the villagers chasing the miscreants.

The aforesaid submission has been made because the petitioner is a student and has not been made accused in any criminal case so far.

However, considering the background facts, the nature of accusation and the identification of the petitioner as the one running away from the place of occurrence and one out of whom was later arrested, I am not inclined to grant



anticipatory bail to the petitioner.

The prayer for anticipatory bail to the petitioner is,
accordingly, rejected.

However, if the petitioner surrenders before the Court
below and seeks bail, the grounds noted above shall be taken
into account and an order shall be passed by the court below
without being prejudiced by the fact that his present anticipatory
bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

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