

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46635 of 2021

Arising Out of PS. Case No.-42 Year-2021 Thana- CHAUTHAM District- Khagaria

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1. NAVIN KUMAR SINGH @ NAVIN SINGH Son of Late Hem Narayan Singh Resident of Village - Choutham , P.S.- Choutham, Dist.- Khagaria.
 2. Sourabh Kumar @ Baruya @ Sourabh Kumar Singh Son of Munna Singh Resident of Village - Choutham , P.S.- Choutham, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Mohan Jha, Adv.
For the Opposite Party/s	:	Mr.Nand Kumar, APP
For the Informant	:	Mr.Viveka Nand Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioners and learned APP
for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail on behalf of the petitioner no.1, as he has died during pendency of this application.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant appeal, on behalf of the petitioner no.1 is



dismissed as infructuous.

Now, the present application is being heard for consideration of anticipatory bail as against petitioner no.2 only.

The petitioner apprehends his arrest in connection with Choutham P.S. Case No.42 of 2021, registered for the offence punishable under Sections 341, 323, 324, 379, 120B of the IPC and section 27 of the Arms Act.

Allegedly, the petitioner along with other accused persons with an intention to kill, made indiscriminate firing from their country made pistols upon the informant and his associates. It is alleged that the petitioner has also snatched Rs.2,77,000/- from the informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. There is no specific allegation of any kind of assault made against the petitioner rather the only allegation is that he snatched the money bag from the hand of the informant. It is further submitted that no empty cartridges or mark of firing has been found at the place of occurrence which creates doubt about the prosecution case. There is no recovery of any incriminating article from the conscious physical possession of the petitioner. Petitioner has no



two criminal antecedents.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that the petitioner is involved in the alleged occurrence and there is specific allegation in the FIR that he along with others have made firing from their pistols.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner no.2 named above. The prayer for grant of anticipatory bail to the petitioner no.2 is rejected.

However, petitioner no.2 is directed to surrender before the learned Court below within four weeks from today and seek regular bail and the learned Court below would pass the order, in accordance with law.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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