

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53477 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- SAMASTIPUR District- Samastipur

VIKASH KUMAR @ VIKASH YADAV @ VIKAS YADAV @ VIKASH KUMAR RAI S/o SURESH RAI @ SURESH RAY @ SURESH ROY R/o VILLAGE - RAHIMPUR RUDAULI, P.S - MUFFASIL, DISTRICT - SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-07-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 506, 302/34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant alleges that on 28.09.2020, at about 09:45 p.m., she heard the sound of gunshot and when she came out of the house she saw 6-7 accused were surrounded her son and four persons were firing at him. It is next alleged that after seeing the occurrence, the informant raised an alarm on which the named accused persons fled away from the place of occurrence. It is next alleged that while fleeing the accused threatened the informant that they will kill all the family members.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. From perusal of the allegation as alleged in the FIR, it would manifest that there is general and omnibus allegation of firing against all the accused persons.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the son of the informant died on the spot on account of gunshot injury and informant being the mother will definitely would not implicate innocent person knowing that they have not committed the occurrence. It is next submitted that since the informant is the mother of the deceased and she has instituted the FIR that in itself demonstrates that she had seen the occurrence of firing.

Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Samastipur Town P.S. Case No. 194 of 2020 pending in the Court of learned Chief Judicial Magistrate, Samastipur/successor Court.

Accordingly, the prayer for anticipatory bail is refused.

(Satyavrat Verma, J)

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