

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56246 of 2021**

Arising Out of PS. Case No.-31 Year-2020 Thana- UNIVERSITY District- Muzaffarpur

MONU MISHRA S/o- SHRI RAJ KISHORE MISHRA Resident of Village-
Dhanaur, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 30-06-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 302/120B of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on 10.11.2020 at around 3 in the after noon, in the campus of Duke hostel in Gandhi Coup field, while the informant and his younger brother were watching cricket match, five persons on two motor cycles came and indiscriminately fired upon his brother due to which his brother died on the spot. The reason behind the occurrence is that Sonu Mishra and this petitioner, who are liquor businessman, had threatened him and his brother with life saying that because of them their truck loaded with liquor was seized by the police. Therefore, he raised suspicion that both



the accused conspired and got his brother killed by three unknown miscreants.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case only on suspicion. As a matter of fact brother of informant was himself indulged in illegal activities and has several enemies due to which he has been killed and taking benefit of situation petitioner has been made accused in this case.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that petitioner is named in the FIR and sufficient evidence has been collected during the course of investigation in order to show his involvement in the aforesaid crime. Petitioner has got criminal antecedent and he is involved in as many as seven criminal cases.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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