

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52741 of 2021

Arising Out of PS. Case No.-45 Year-2021 Thana- BUXAR INDUSTRIAL District- Buxar

CHANDAN TIWARI S/o- Kapilmuni Tiwari Resident of Village- Ekouni,
P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nirbhay Prashant, Adv.

For the Opposite Party/s : Mr.Anil Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-05-2022 Heard the parties.

Learned counsel for the petitioner has filed a supplementary affidavit in the court today stating therein that the petitioner has one criminal antecedent.

The same is taken and kept on record.

Learned counsel for the petitioner 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.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 307/34 of the IPC and section 27 of the Arms Act.

Allegedly, two accused persons made repeated firing



from their country made pistol upon Rahul Yadav due to which he became seriously injured.

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 due to grudge and enmity. No such occurrence, in the manner as alleged, has ever taken place. The petitioner is not named in the FIR rather his name surfaced in the case on the confessional statement of the co-accused but the said co-accused has not taken name of the petitioner in his statement u/s 161 Cr.P.C. No incriminating article has been recovered from the conscious physical possession of the petitioner. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that the victim has sustained grievous injury on the vital part of his body and on the basis of CDR, it has transpired that the mobile no. belonging to the petitioner was near the place of occurrence.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail.

The bail application is dismissed.



However, petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law, considering that no incriminating article has recovered from the house of the petitioner or from his conscious physical possession.

(Anjani Kumar Sharan, J)

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