

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50452 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- SALAKHUA District- Saharsa

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MITHUN YADAV S/o Driver Yadav Resident of Village- Banma, Ward No. 11, P.S.- Salkhua (Ithari O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 307 of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, this petitioner is alleged to have fired which hit at right side of face of husband of the informant.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. Petitioner is not named in the FIR and his name has transpired in the case after 10 days of the occurrence. Petitioner and husband of informant are full brothers and there is land dispute between them. The matter has been compromised between the parties and compromise petition has also been filed



before the court below (Annexure-2).

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that the informant in her statement u/s 164 of the Cr. P. C. has categorically stated that this petitioner caused fire arm injury to her husband.

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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