

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62372 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- BARGAINIA District- Sitamarhi

ANIL PRASAD CHAUDHARY @ ANIL CHAUDHARY Son of Nagina Prasad Chaudhary @ Nagina Chaudhary Resident of Village-Pachtaki Ram Bairagania, P.O.-Pachataki Ram, P.S.-Bairagania, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahesh Nr. Parwat

Mr. Praveen Prabhakar

For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-06-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection with Bairagania P.S. Case no. 46 of 2021 registered under section 302/34 of the Indian Penal Code and section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per prosecution story alleged occurrence took place inside Raj hotel and the statement of Manager of said hotel reveals that he named two persons but he did not name the present petitioner



and the petitioner has been made victim on account of deep rooted conspiracy at the instance of his enemy. The present petitioner is holding the post of PACS *Adhyakch* and 6/7 months prior to the alleged occurrence wife of the deceased Sharda Jha who was running a Fair Price Shop was found involved in bungling of distribution of fair price shop articles regarding which complaints were made due to said reason inimical terms developed in between the petitioner and the prosecution party. There is no allegation against the petitioner to show his implication in the present case and three co-accused persons have been granted regular bail by this court.

Learned APP opposes the prayer for anticipatory bail.

I have heard both sides and perused the record. The present petitioner is named in the FIR and the informant has claimed herself to be eye-witness to the occurrence and she has made direct allegation against the petitioner and the victim was killed by firearm injury and investigation is pending.

Considering the nature of allegation levelled against the petitioner, I am not inclined to grant him pre-arrest bail and accordingly, his prayer for anticipatory bail stands rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove,



failing which the matter shall be brought to the notice of this
Court.

(Shailendra Singh, J)

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