

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62784 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- DANIYAWAN District- Patna

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SURYAKANT RAM Son of Arbind Ram Resident of Village - Daniyawar,
P.S.- Daniyawar, Distt.- Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar
For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in Daniyawa P.S. Case No. 72 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 & 506 of the Indian Penal Code and Section 27 of the Arms Act.

On the order of co-accused, Arvind Ram, petitioner is said to have taken out his pistol and fired at Prakash Chandra Ram which hit his nose as well as right eyes and along with his companion escaped from the place of occurrence.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to previous enmity. On the date of occurrence, the petitioner was at Patna to earn his livelihood. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as mentioned in para-3 of this bail application.

Learned APP for the State vehemently opposing the bail petition submitted that there is direct allegation against the petitioner that he along with other reached at the place of incident and started abusing. Arvind Ram ordered to kill then the petitioner took out his pistol and fired at Prakash Chandra Ram which hit his nose as well as right eyes. Hence, the petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the 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 order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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