

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72245 of 2021

Arising Out of PS. Case No.-78 Year-2019 Thana- DARIHAT District- Rohtas

Vijay Pandey, Son of Late Vishwanath Pandey, Resident of village - Chhotaka
More, P.S.- Sasaram, District - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Anuraj Singh, Advocate
		Mr. Saket Tiwary, Advocate
For the Opposite Party	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-07-2022 This application has been listed under the heading
‘For Orders’.

Registry has pointed out several defects in the
present application.

Mr. Anuraj Singh, learned counsel for the petitioner
submitted that the defects are mainly because only e-filing of
applications are permitted by the Court. He submitted that
defects can be removed only if filing of hard copy is permitted.
He undertook that even if the applications are heard and
disposed of on merit in due course of time when the Court
would permit filing of hard copy, the defects pointed out by the
registry would be removed.

In view of the above submissions made by the
learned counsel for the petitioner, with consent of the parties,



the application has been taken up for hearing on merit.

The petitioner seeks pre-arrest bail in connection with Darihat P.S. Case No.78 of 2019 registered for the offences punishable under Sections 147, 148, 341, 323, 307, 386 of the Indian Penal Code and Section 27 of the Arms Act.

According to the prosecution case, while the informant was going to village-Modiha, 7-8 miscreants on a Sumo Victa and two motorcycles chased him. The informant could identify three persons out of them, namely, Vijay Pandey, Deepak Roy and Baijnath Pandey. Deepak Roy instigated to kill the informant, on which, the petitioner fired two shots out of which, one could not hit him and the another bullet hit him in his left arm. The informant somehow managed to escape. On alarm, the miscreants fled away. It is alleged that the informant was being threatened for demand of *rangdari* and on failure to oblige the miscreants, the incident had taken place.

Mr. Anuraj Singh, learned counsel for the petitioner submitted that the allegations made in the first information report are baseless. The police did not find case true under Section 307 of the Indian Penal Code. The allegation of causing firearm injury also appears to be an exaggerated version as the injury sustained by the informant does not appear to have been



caused by firearm. He contended that there is no eye witness of the alleged incident except, the informant and with an oblique motive, the instant case has been registered.

On the other hand, learned counsel for the State submitted that looking at the grievous nature of the offence and the alleged role played by the petitioner, it would not be proper to grant him pre-arrest bail. He further contended that the petitioner was made accused in a case earlier under Section 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

Considering the submissions advanced on behalf of the parties specially, the nature of the offence and the specific role alleged against the petitioner in the first information report as well as his criminal antecedent, I am not inclined to grant him pre-arrest bail. Accordingly, his prayer for grant of pre-arrest bail is rejected.

In case, the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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