

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6129 of 2023**

Arising Out of PS. Case No.-319 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

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PRINCE KUMAR SINGH @ PRINCE KUMAR SON OF ARUN KUNWAR
@ ARUN KUMAR KUNWAR R/O CHATUR BAGHA, P.O.- BABU
VISHANPUR, P.S.- JADOPUR, DISTT.- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Riya Giri, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with
Kuchaikote P.S. Case No.319/2022, registered for the offence
punishable u/s 341, 342, 323, 307, 504 and 34 of the IPC and
27 of the Arms Act.

As per the prosecution case, the F.I.R. named accused
persons intercepted the informant on his way and petitioner is
said to have pulled the informant and shot him on his stomach,
due to which the informant fell on the ground and assuming
him dead, petitioner and the other co-accused fled away.

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 ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that the injury of the informant was found simple in nature. In the entire case diary, there is no material against the petitioner. The alleged occurrence is said to have taken place on 06.07.2022 but the F.I.R. has been lodged on 13.07.2022 i.e. after a delay of seven days without giving any plausible explanation. Such delay in lodging the F.I.R. itself creates doubt about the prosecution case. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is direct allegation against the petitioner to fire upon the informant.

Having regard to the facts and circumstances of the case and considering the nature of allegation that the petitioner fired upon the informant, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This instant application is accordingly dismissed.

However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today



and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that petitioner is a student and has no criminal antecedent.

(Anjani Kumar Sharan, J)

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