

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13053 of 2022

Arising Out of PS. Case No.-43 Year-2017 Thana- CHANDRADIP District- Jamui

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NITISH KUMAR @ PINTU KUMAR @ NITISH KUMAR Son of Sri
Mundrika Yadav @ Mundrika Prasad Permanent resident of Village-
Manniyatri, P.S.- kaukol, District- Nawada, at present resident of Village-
Shikharpur, P.S.- Govindpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13
		Mr. Rohit Kumar
For the Opposite Party/s :		Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

6 03-01-2023 The learned counsel for the petitioner is directed

to remove all the defects pointed out by the office within

one month.

Heard the learned counsel for the petitioner as well

as the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection

with Chandradeep P.S. Case No. 43 of 2017, registered for

the offences punishable under Sections 302/34 of the Indian

Penal Code and 27 of the Arms Act.

One Arun Kumar Diwakar is informant of this case.



He lodged FIR mentioning therein that when he was present in Revenue Office along with his father, co-accused Sangeeta Kumari came there for a short while and returned. Later on, four accused persons came there and co-accused Sangeeta Kumari pointed out towards father of the informant, whereupon co-accused Upendra Yadav fired shot by his pistol, which passed near the temporal region of Ambika Prasad Yadav. Thereafter, the petitioner fired shot on the father of the informant, who died at the spot.

The learned counsel for the petitioner has submitted that the entire allegation is false. Prior to lodging of the present case, Chandradeep P.S. Case No. 42 of 2017 has been lodged at the statement of S.H.O. of that Police Station.

Paragraph 215 of the case diary shows that the process under Sections 82 and 83 of the Code of Criminal Procedure has been issued, as such, in light of the recent decision of the Hon'ble Supreme Court in the case of *Prem Shankar Prasad vs. State of Bihar and Another* (2021 SCC online SC 955), the petitioner is not entitled for anticipatory bail.



Accordingly, it is 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.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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