

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14320 of 2023

Arising Out of PS. Case No.-442 Year-2022 Thana- PARBATTa District- Khagaria

Dhananjay Mishra S/O Late Kapildeo Mishra Resident Of Village- Dumaria,
P.S.- Parbatta In The District Of Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Prasad Roy

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 325, 307, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner is said to have fired upon the informant due to which he sustained firearm injury.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that all the sections alleged are bailable except Section 307 of the IPC and Section 27 of the Arms act which are neither applicable in this case nor against this petitioner because there is neither intention nor preparation of commit murder. He submits that similarly situated co-accused has already been



granted bail by a coordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 10049 of 2023. He further submits that petitioner has two criminal antecedent as stated in the supplementary affidavit.

Learned APP for the State opposing the prayer for bail submits that petitioner is named in the FIR and there is direct allegation against him regarding firing by firearm on the informant.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Parbatta P.S. Case No. 442 of 2022.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that the petitioner is a retired constable of C.R.P.F. Department.

(Anjani Kumar Sharan, J)

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