

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23042 of 2023**

Arising Out of PS. Case No.-115 Year-2022 Thana- BUNIYAD GANJ District- Gaya

CHANDAN KUMAR @ BUTTA @ AVINASH KUMAR Son of Rajendra
Singh Village- Bhualpur Ps- Buniyadganj Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Choubey Jawahar

For the Opposite Party/s : Mr. Bharat Lal

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

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

The petitioner apprehends his arrest in connection with Buniyadganj P.S. Case No.115 of 2022, registered for the offence punishable under Sections 147, 148, 149, 323, 326, 307, 354, 379, 504, 506 of the Indian Penal Code and 27 of Arms Act.

As per the F.I.R., the petitioner along with other co-accused persons restrained the informant and the petitioner assaulted one Anirudh Singh on his palm by means of fire arms.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in



the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that on the perusal of FIR, it transpires that the occurrence is said to be taken at 11 pm but nothing has been stated about the source of identification that how the petitioner has been identified. He further submits that the petitioner usually resides at Gaya along with his family members and on the day of occurrence, the petitioner was not present at the spot. He further submits that some of the co-accused persons have already been granted bail. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that in the F.I.R., there is a direct allegation against the petitioner to fire upon the injured person.

Having regard to the facts and circumstances of the case as there is a specific allegation against the petitioner to fire upon the injured person, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

Accordingly, this application stands dismissed.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek



for regular bail, the learned Court below shall pass the order on
the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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