

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23845 of 2023

Arising Out of PS. Case No.-210 Year-2022 Thana- NAUBATPUR District- Patna

VIJAY KUMAR SON OF SHIVBACHAN SINGH Resident of village -
Abharanchak, P.S. - Naubatpur, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2023 Heard Mr. Patanjali Rishi, learned counsel for the

petitioner and Mr. Ram Sumiran Rai, learned Additional Public

Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with
Naubatpur P.S. Case No. 210 of 2022 dated 12.4.2022 registered
for the offence punishable under Sections 307, 504, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per the allegation made in the First Information
Report, on 19.3.2022 in the night at about 9:30 PM the
informant was playing music in front of his house, in the
meanwhile, the petitioner along with the Police arrived there
and told the informant to stop the loud music, upon which, when
the informant said that he was playing music on the occasion of
Holi festival and will stop after some time, the petitioner took



out his pistol and fired upon the informant which hit near the left jaw of the informant and the blood started oozing out.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of concocted story. Petitioner has been implicated in this case due to local village politics. He further submits that the injury on the person of the informant is simple in nature which is a manufactured one and has caused in another incident.

I have heard learned counsel for the parties and have perused the impugned order and First Information Report.

From perusal of the First Information Report it transpires that there is specific allegation against the petitioner of firing upon the informant, due to which, the informant has sustained injury on his jaw. Learned Sessions Judge in the impugned order has arrived at the conclusion that the prosecution story is supported by the materials collected during course of investigation which would be evident from the case diary. The petitioner has got three criminal antecedents for the offence under Sections, 302, 307, 504, 506, 120-B of the Indian Penal Code and Section 27 of the Arms Act.

In view of the fact that allegation against the petitioner is specific and serious in nature, the *prima facie*



evidence has come against him in the case diary and the petitioner is having criminal antecedents of serious nature of offence, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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