

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25894 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- MIRGANJ District- Gopalganj

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NAGENDRA SINGH S/O LATE MUKHDEO SINGH Resident of Village-
Jigna Gopal P.O.- Jigna Jagannath, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-05-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Mirganj P.S. Case No.297 of 2022 instituted under Sections 27/25(a) of the Arms Act lodged on 23.08.2022 by the informant Chhotan Kumar.

As per the FIR, on 23.08.2022 on secret information that Nagendra Singh, son of Late Mukhdeo Singh of village- Jigna Gopal, P.S.-Mirganj, District-Gopalganj has made celebratory firing at his own door on the occasion of birthday of some of his relative and a video is viral on the news channel, the case was lodged.

Earlier the anticipatory bail application vide Cr. Misc. No. 66172 of 2022 was filed which was dismissed as withdrawn on 04.02.2023 with following order:



“Heard learned counsel for the parties.

Learned counsel for the petitioner seeks permission to withdraw the present petition.

Permission accorded.

Accordingly, the petition stands dismissed as withdrawn.”

Now the fresh petition has been filed and it is important to incorporate paragraphs-2 and 10 of the said petition.

“2. That the petitioner has come to this Hon’ble Court earlier for grant of an anticipatory bail in which the petitioner seeks permission to withdraw the anticipatory bail petition and the same was dismissed as withdrawn from the court of Hon’ble Mr. Justice Rajiv Roy on 04.02.2023 in Cr. Misc. No. 66172 of 2022 and the lawyer of petitioner has withdrawn the said anticipatory bail petition due to misconception and wrong conversation between the lawyer of the petitioner and



deponent of the petitioner on mobile phone and the petitioner has not come to this Hon'ble Court earlier for grant of regular bail.

10. That the petitioner is a respectable person of the locality and since 2013 he is genuine license holder of the revolver but he has never misused the same. In fact he has been dragged in this case after hatching a conspiracy and after meeting of minds with an oblique motive."

This is the ground for which he has chosen to once again prefer the anticipatory bail, despite withdrawing the earlier anticipatory bail application on 04.02.2023. In other words, he is absconding since 23.08.2022 when the FIR was lodged.

The allegation in the FIR is of indulging in celebratory firing on the occasion of a birthday.

No fresh ground to re-look the matter and the second anticipatory bail preferred by the petitioner is dismissed with cost of Rs.5000/- to be deposited in Patna High Court Legal Services Committee.



Taking into account the allegation in the FIR as also the statement made in para-10 of the petition that he is genuine license holder of the revolver, let copies be sent to the District Magistrate, as also the Superintendent of Police, Gopalganj for their perusal and needful.

(Rajiv Roy, J)

Prakash Narayan /-

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