

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34910 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

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Golu Dubey @ Ashwani Kumar@ Ashwani Dubey, Son Of Ajay Dubey @
Ajay Kumar Dubey, Resident Of Village- Gandhi Nagar, Road No. 1, PS-
Ahiyapur, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-07-2023 Heard Mr. Vijay Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Ahiyapur P.S. Case No. 46 of 2023 registered for the
offence punishable under Sections 324, 326, 337 and 307/34 of
the Indian Penal Code and Sections 25(1-b)a, 35 and 27 of the
Arms Act.

3. It is alleged that all the FIR named accused persons
surrounded the informant while he was coming after collecting
money from Motipur. Allegedly, the accused persons made
indiscriminate firing in order to terrorise him. It is specifically



alleged that this petitioner shot fire upon Kishore Gupta, who was accompanying the informant due to which he sustained firearm injury in his right thigh.

4. Learned counsel appearing on behalf of the petitioner vehemently submitted that in fact the occurrence has caused by some unknown miscreants and taking into consideration the earlier land dispute, the name of the petitioner and others have been implicated in this case. He next submitted that having come to know about the true facts, the parties have settled the matter outside the Court and the informant does not want to proceed any further. He also submits that the petitioner has absolutely fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that specific allegation has been levelled against the petitioner of firing, causing firearm injuries and, moreover, the offences are not compoundable.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is the author of the firearm injury sustained to Kishore Gupta, this Court is not persuaded to enlarge the petitioner on the privilege of anticipatory bail.



7. Accordingly, the prayer for anticipatory bail stands
rejected.

(Harish Kumar, J)

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