

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38644 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- MAHUA District- Vaishali

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TRINAYAN MISHRA @ GAURAV MISHRA S/O GIRISH MISHRA R/O
Village- Gaddopur, P.S- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act pending in the learned court below.

3. As per the prosecution case, petitioner along with other co-accused person is said to have open fired upon the informant due to which he sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is there is specific allegation against co-accused Prince Kumar fired on information and his colleagues. He submits that there is no allegation against the



petitioner of firing. He further submits that from perusal of the case diary it is mentioned that bullet wound injury was found over the body of injured persons caused by firearm. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Mahua P.S. Case No. 34 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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