

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42467 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- GOGRI District- Khagaria

Kanhaiya Kumar @ Kanhaiya Raj S/O Late Haribol Prasad Yadav @ Haribol
Yadav R/O Village- Bhuniya, P.S- Gogri, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State assisted by learned counsel for the victim.

2. Learned counsel for the victim has filed a counter
affidavit in the present case, in the Court, and also served a copy
of the same to learned counsel for the petitioner.

3. Let it be kept on record.

4. The petitioner apprehends his arrest in Gogri P.S.
Case No. 108 of 2023 registered for the offences punishable
under Sections 307, 506, 120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act, pending in the Court of learned Chief
Judicial Magistrate, Khagaria.

5. The petitioner and other co-accused persons
opened firing on victim's house with intention to kill her. On
retaliation when informant started firing, they fled away.

6. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.



The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioner and only on the basis of mere suspicion the petitioner has been made accused in the present case. The petitioner has got three criminal antecedents as mentioned in para-3 of the bail application.

7. Learned APP for the State and learned counsel for the victim opposed the prayer for anticipatory bail and submitted that prior to the occurrence, the husband of the victim was killed by the brother-in-law of the petitioner. He further produced a paper before this Court during the arguments submitting that the petitioner is in custody because he has assaulted sister of journalist.

8. Considering the facts and circumstances of case that the petitioner has three criminal antecedents, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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