

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43556 of 2023

Arising Out of PS. Case No.-288 Year-2019 Thana- BIRPUR District- Supaul

MD. LUKMAN Son of Late Shafid Resident of Village - Babuan, P.S.-
Ghurna, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Birpur P.S.
Case No. 288 of 2019 registered for the offences punishable
under Sections 341, 342, 323, 504, 307, 379, 34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 28.11.2019,
two buffaloes of the informant were stolen by the accused
persons. Thereafter, when the informant contacted to them, they
told him that after paying Rs. 25,000/- to them, his buffaloes
would be returned to him. Accordingly, when the informant
reached near Ranipatti Palarbhat Tola, all the accused persons
tried to snatch his money and gave a fatal blow on the head of
informant due to which he sustained head injury. They also fired
4-5 rounds which caused injuries to two persons.



4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is old enmity between the parties. It is further submitted that prior to the present case, an FIR in Birpur P.S. Case No. 285 of 2019 has also been lodged by the informant against the petitioner, in which petitioner has been granted anticipatory bail. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that there is ample evidence in the case diary to indicate the complicity of the petitioner in the present case.

6. Having regard to the facts and circumstances of the case as well as considering the arguments of the parties, I am not inclined to enlarge him on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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