

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49600 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- KADAMKUAN District- Patna

Chandan Kumar @ Vivek Kumar S/O Shri Mohan Prasad R/O Mohalla-
Kazipur West Lane Of C.P.I Office, Arya Kumar Road, P.S- Kadamkuan,
Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 21-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution story, a call came on the mobile of informant's brother Sunny and they both left on a motorcycle and when they reached near CPI Office, they saw 8-9 accused persons present from before and identified Babloo @ Govind, elder brother of Babloo, Sahil, Chandan and Rahul and thereafter, it is alleged that Babloo fired causing firearm injury to Sunny who fell from the motorcycle and on alarm they fled and Sunny was brought to the hospital where he was declared dead by the doctors.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the only allegation against the petitioner is that he was found present at the place of occurrence. No firearm or any other weapon has been attributed to the petitioner and no overt act has been alleged against him. He submits that there is no specific allegation on the petitioner, however, the specific allegation of assaulting to the informant's brother is on Bablu Sahni @ Govind Sahni. He submits that the CCTV footage of the place of occurrence has been collected by the investigating officer in which it has been found that seven-eight person had surrounded the victim whereafter Babloo Sahni @ Govind who was lashed with pistol had fired upon the deceased. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Vide order dated 06.12.2023, Senior Superintendent of Police, Patna was directed to verify the CCTV footage.

7. Considering the facts and circumstances of the case and the fact that the petitioner was identified through the



CCTV footage, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Kadamkuan P.S. Case No. 50 of 2023.

8. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that the petitioner has no criminal antecedent and there is no allegation against him to fire upon the deceased.

(Anjani Kumar Sharan, J)

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