

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49670 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- NARDIGANJ District- Nawada

SHAMBHU CHAUHAN S/o Kamlan Chauhan Resident of Village- Tarauni,
P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Senior Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and Mr. Bharat Bhushan, learned APP for the State
through virtual mode in view of COVID-19.

The petitioner apprehends his arrest in connection
with Nardiganj P.S. Case No.126 of 2021 instituted under
Sections 147,148,149,341,323,307,324,326 and 506 of the
Indian Penal Code and 27 of the Arms Act.

As per the prosecution story, the allegation amongst
other against one Shambhu Chauhan is that he opened fire
which hit Shree Chauhan as a result whereof, he fell down and
thereafter the allegation against other accused persons are of
beating the informant.

Learned Senior Counsel submits that it is a matter of
case and counter case and it is also not clear whether it was the
petitioner herein whom the informant was referring to and in



that backdrop and in view of the fact that some others have been granted relief, the petitioner may also be extended the relief of anticipatory bail.

Learned APP on the other hand opposes the prayer for stating therein that name of Shambhu Chauhan is there in the FIR who opened fire causing injury to the Shree Chauhan.

Taking into account the aforesaid facts as also that allegation of opening fire is against Shambhu Chauhan, this Court is not inclined to grant him relief and his petition stands rejected.

The petitioner in case of surrender within four weeks from today, the learned court shall take into account the averment put forward that there is no clarity on the identity of the Shambhu Chauhan which disposing of his bail application which may be done at an earliest without being prejudiced by the order of this Court.

(Rajiv Roy, J)

Prakash Narayan /-

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