

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52650 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- JADIA District- Supaul

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Rupesh Mehta @ Rupesh Kumar Mehta Son Of Siyaram Mehta, Resident Of
Village-Tamuna Ward No. 10, P.S.-Chhatapur (Rajeshwari O.P.), District-
Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-08-2023 Heard learned Counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Jadiya P.S. Case No. 322 of 2022 dated 11.12.2022, lodged under Sections 147, 148, 149, 341, 323, 324, 307 and 506/34 of the Indian Penal Code read with Section 27 of Arms Act.

3. As per prosecution case, FIR has been lodged against six named accused persons including the present petitioner. As per the FIR, the informant has disclosed that two months earlier one Mairi Kumari daughter of Rajendra Mehta solemnized love marriage thereafter, informant and his relatives were under pressure of Rajendra Mehta to return the girl

otherwise to be ready for bad consequences. It has been alleged that at the night of 10.12.2022 six named accused persons including the petitioner along with 15-20 unknown persons entered in the courtyard of the informant, broken the door and brutally assaulted when his brother came accused persons assaulted to him also. It has been further alleged that those people has fired on the informant due to which he suffered gun shot in his chest and wife of the informant any how saved her life.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that there is nothing specific against the petitioner or any other in the FIR. Counsel further submits that the antecedent of the petitioner is clean.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that it is true that there is no specific allegation against any accused, but it is also true that informant has suffered gun shot on his chest which definitely constitute offence under Section 307 of the Indian Penal Code.

6. In the present facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with

Jadiya P.S. Case No. 322 of 2022 to the satisfaction of learned
A.C.J.M.-V, Supaul.

7. Accordingly, the prayer for anticipatory bail of the
petitioner stands rejected.

8. However, the learned Court below shall consider
the prayer for regular bail of the petitioner, if the petitioner
surrenders within a period of four weeks.

9. The present order shall not cause any prejudice to
the petitioner.

(Dr. Anshuman, J.)

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