

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54023 of 2023

Arising Out of PS. Case No.-820 Year-2022 Thana- FATUA District- Patna

SANOJ KUMAR SON OF BRITISH YADAV RERESIDENT OF VILLAGE-
VIKRAMPUR, PS- FATUHA, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivnandan Bharti, Adv.
For the Opposite Party/s	:	Mr.Anil Kumar, APP
For the Informant	:	Mr.Subhash Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-12-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. Petitioner is apprehending his arrest in connection with
Fatuha P.S. Case No.820 of 2022, registered for the offence
punishable u/s 302/34 of the IPC and 27 of the Arms Act.

3. Allegedly, the father of the informant has been killed by
firing by the F.I.R. named accused persons including the
petitioner.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He has been falsely implicated in this case due to ulterior
motive. No such occurrence in the manner as alleged has ever
taken place. There is no eye-witness to the alleged occurrence
and there is general and omnibus allegation against the



petitioner. There is no specific overt act against the petitioner to fire upon the deceased. From bare perusal of the F.I.R., it is clear that there is admitted land dispute between the parties. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that due to land dispute, the petitioner and other co-accused fired upon the deceased and there is ample evidence against the petitioner to have been involved in the present occurrence.

6. Considering the aforesaid facts and circumstances and the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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