

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57202 of 2022

Arising Out of PS. Case No.-386 Year-2021 Thana- HARSIDHI District- East Champaran

DINESH KUMAR KHANDELWAL @ PAPPU KHANDELWAL S/o Late
Pashupatinah Khandelwal R/V- Harsidhi, P.S.- Harsidhi, Distt- East
Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove
the defects within three weeks.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 320, 120B and
34 of the Indian Penal Code and Section 27 of the Arms Act pending
in the learned Court below.

As per the F.I.R., the son of the informant went to the
block and hospital. When he returned back and reached Chhapawa
Harsidhi Main road. In the meantime two miscreants by motorcycle
came there and shoot down his son due to which he was seriously
injured. During the treatment the son of the informant was died.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case. He
submits that petitioner is not named in the F.I.R. only on the basis of



the confessional statement of the co-accused, Sachin Kumar, he has been made accused in this case. He submits that similarly situated co-accused has already been granted bail by a Coordinate Bench of this Court vide order dated 27.09.2022 passed in Cr. Misc. No. 19111/2022. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the petitioner is also involved in this case, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Harsidhi P.S. Case No.386/2021. Accordingly, his prayer for anticipatory bail is hereby rejected.

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.

(Anjani Kumar Sharan, J)

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