

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58311 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- RAFIGANJ District- Aurangabad

1. GAUTAM KUMAR @ GAUTAM KUMAR SINGH Son of Ravindra Singh
 2. Shubham Kumar @ Rahul Kumar Son of Lalan Singh @ Lalan Kumar Singh
- Both Resident of Village- Gothani, P.S.- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Mishra, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Rafiganj P.S. Case No.180 of 2022 instituted under Sections 147,148,149,341,323,354,307,427 and 379 of the Indian Penal Code.

As per the prosecution story, the informant alleged that the petitioner no.1 tried to kidnap his grandson on the point of pistol along with petitioner no.2. Upon ‘hulla’ some of the neighbours came and tried to caught hold of him. In the meantime, the father of the main abductor Mahendra Singh, Mritunjay Singh came with iron rod while other accused persons armed variously came and attacked the informant’s



family members causing injuries. The further allegation is that petitioner no.2 fired on the informant's side, in the meantime the informant was able to take his grandson inside the house and informed the police on phone. As the police reached, the accused retreated but not before damaging their Maruti Swift Dezire bearing registration no.BR26C-442. The last allegation is of snatching of gold and assaulting the other family inmates including the female members. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that it is counterblast to the Aurangabad Town P.S. Case No.179 of 2022. The further allegation is that entire theory is baseless, only to put pressure, the present FIR is being done and the car was already damaged but the allegation has been made.

Per contra, learned APP submits that firstly they tried to abduct the grandson of the informant and thereafter assaulted the informant's side including the female inmates and in between they also damaged the car of the informant.

Considering the kind of allegation that has come against the petitioner herein, as also the fact that they have criminal antecedent, certainly this is not a fit case for grant of anticipatory bail, which is accordingly rejected.



If the petitioner surrenders before the court concerned within four weeks from today, the court concerned shall take into account the factors that may be available on record without being prejudiced by any observation made herein.

(Rajiv Roy, J)

Prakash Narayan /-

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