

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63183 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- PATNA CITY CHOWK District- Patna

AMAN SAMRAT @ AMAN son of Kamal Kumar Mohalla- Marufganj
H.NO-24, Ps- malsalami Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 379 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegedly, all the accused persons including the petitioner are said to have come in the street of the informant, with intent to commit Dacoity. On objection, all the accused person started firing upon them due to which informant and his cousin sustained fire arm injury caused by co-accused Jitendra Kumar. They also snatched golden locket and wrist watch from the possession of the informant's side.

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. The allegation of theft is super addition made for the purpose of making the case more serious. No used cartridge was recovered from the place of occurrence. In absence of injury, no case under Section 307 of the IPC is made out against the petitioner. His name has been transpired in this case merely due to personal grudge as both the informant and the petitioner was common friends. There is no specific overt act against the petitioner. There is specific allegation against co-accused Jitendra Kumar, who has been granted regular bail by the learned Court below. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case and considering the nature of the offence, petitioner is a professional criminal of murder, loot and *dacoity*, I am not inclined to enlarge him on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is



hereby rejected.

8. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner has no criminal antecedent and there is compromise between the parties.

(Anjani Kumar Sharan, J)

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