

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71407 of 2021**

Arising Out of PS. Case No.-96 Year-2020 Thana- LODIPUR District- Bhagalpur

JAI BALAJEE Son of Motilal Yadav Resident of Village- Bishanpur, Jichcho,
P.S.- Lodipur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 02-02-2023 The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Lodipur P.S. Case No. 96 of 2020, registered for the offences punishable under Sections 452, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation, the informant Sulendra Yadav has stated in his *Fardbeyan* that when he was sleeping in his room, someone fired shot at him and thereafter fled away. His wife Komal Devi called her parents-in-law. Thereafter, he was



shifted to hospital and the bullet was operated out.

The learned counsel for the petitioner has submitted that the FIR was lodged after 13 days of the occurrence and the informant has stated himself that he did not see the person, who has opened fire on him. He has submitted further that the treatment of the petitioner was taken place in three hospitals. He has also submitted that co-accused Komal Devi, the wife of the informant, has been granted regular bail by this Court, vide Cr. Misc. No. 33200 of 2021.

The learned APP Mr. Shailendra Kumar has opposed the prayer for bail and submitted that it has come in the investigation that there was illicit relation between wife of the informant and the petitioner and it was the reason that with assistance of wife of the informant, the petitioner opened fire and made him injured. He has further submitted that the parents of the informant, in paragraph nos. 21 and 22 of the case diary, have stated that there was illicit relation between the petitioner and wife of the informant. The informant himself, in paragraph no. 6 of supplementary case diary, has stated the similar thing.

In my view, it is not a fit case for anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the



petitioner within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

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