

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65329 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- TAJPUR District- Samastipur

SHALU KUMAR @ SALU KUMAR @ SOLU Son of Binod Sah @ Binod
Singh R/V- Gangapur, P.S- Tajpur (Vaini O.P) Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Tajpur (Vaini O.P.) P.S. Case No. 132 of 2021 for the offence registered under sections 302, 120(B) and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 27.03.2021 by the informant, Prabha Kumari @ Prabha Devi.

As per the prosecution story, the informant alleged that she heard sound of gunfire at her home. As she went down the stairs, saw all the accused persons firing on her son. The bullet hit his head and body and he fell down near the bathroom. After the incident, all the accused persons fled away on motorcycle. It has been further alleged that all the accused persons came to her house on the pretext of making settlement



of a case and killed her son. Accordingly, the FIR.

Learned counsel for the petitioner submits that omnibus allegation is there against the accused persons of using firearm to kill the informant's son.

Per contra, learned APP for the State submits that a bare perusal of the FIR would show that the petitioner is a named accused and the allegation is of firing on the informant's son causing injuries on his head and as a result, he died.

Considering the aforesaid facts certainly it is not a fit case for extending benefit under section 438 of the Cr.P.C.

The anticipatory bail application accordingly stands rejected.

(Rajiv Roy, J)

Jagdish/Neha/-

U		T	
---	--	---	--

