

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68253 of 2023

Arising Out of PS. Case No.-196 Year-2020 Thana- BAKHTIYARPUR District- Patna

Chandan Kumar @ Chandan Yadav S/O Bashist Singh @ Bashist Yadav @
Bashishtha Yadav R/O Village- Chanda, P.S- Athmalgola, Distt.- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s :	Mr. Anuj Kumar Shrivastava, APP
For the Informant :	Mr. Kalyan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Bakhtiyarpur P.S. Case No. 196 of 2020 registered for the offences punishable under Sections 302, 307, 341, 326, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act. He has got five criminal antecedent.

3. As per the prosecution story, on 24.08.2020 at about 9:00 a.m., informant along with his father and younger brother of his brother-in-law (*jeeja*) proceeded for Barh Court. After completing the court work, they proceeded at about 4:00 p.m for their home on motorcycle. It is alleged that when they reached Bakhtiyarpur new bye-pass, five persons including the



petitioner riding on two Apache Motorcycles having pistols in their hand overtook them and started firing. It is alleged that co-accused Dinanath Yadav shot upon his father due to which his father sustained fire-arm injury and fell down from the motorcycle. The informant tried to pick up his father, in the meantime, Chandan Yadav again fired which caused injury below his left soldier. Upon hearing gunshot, local villagers arrived then all the accused persons fled away. The informant's father was brought at P.H.C, Bakhtiyarpur where he was declared dead by the Doctor.

4. Learned counsel for the petitioner submits that the petitioner has got no concern with the village of the informant and he has been falsely implicated in the present case. It is submitted that the specific allegation of firing first shot on informant's father is against co-accused Dinanath Yadav due to which he fell down from motorcycle.

5. On the other hand, learned counsel for the informant submits that this petitioner has actively participated in the shooting and as per allegations, he had also fired on the father of the informant, who succumbed to his injuries, and the post-mortem report of the informant's father corroborates the allegations of firing upon him by co-accused Dinanath Yadav



and this petitioner.

6. Learned counsel for the petitioner, however, disputes this submission and submits that the post-mortem report does not corroborate the allegations of repeated firing.

7. Be that as it may, considering the gravity of the offence alleged and the allegation of participation of the petitioner in the alleged shooting in which the father of the informant has been murdered and there being five criminal antecedent of the petitioner, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus refused.

8. This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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