

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72463 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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AJIT KUMAR S/O SURESH MAHTO Resident of village- Raja Dumri,
Ward No- 2, P.S.- Muffasil (Lakho O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam,Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh,Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Muffasil P.S. Case No.227 of 2022, registered for the offences punishable under Sections 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the son of the informant having been found lying on the ground, in an injured condition with gun shot wounds, at the nursery of one Santosh Kumar. It is further alleged that after the informant was informed about the said incident to the effect that his son has been shot at and injured, the informant along



with his wife had gone to the nursery in question, where they found their son lying in an injured condition, whereafter they had taken him to a hospital for treatment. It is also alleged that one week back, a quarrel had taken place in between the son of the informant and the petitioner and other co-accused persons, and the son of the informant had been threatened of dire consequences.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the informant is not an eye witness of the alleged occurrence, hence, the allegation levelled against the petitioner has got no evidentiary value.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

I have heard the learned counsel for the parties and gone through the materials available



on record and it is apparent from the impugned order dated 16.11.2022, that upon perusal of the case diary, the trial court has found that the witnesses have supported the allegations levelled against the petitioner and in paragraph no.20 thereof, the statement of the victim namely, Murari Kumar has been recorded, wherein he has not only supported the case of the prosecution, but has also stated that he has seen the petitioner along with other co-accused persons running away from the place of occurrence, after he was shot at and moreover, the injury report also corroborates the factum of the victim having sustained fire arm injury, hence this Court finds that the present case is not a fit case for grant of anticipatory bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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