

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72925 of 2022

Arising Out of PS. Case No.-18 Year-2018 Thana- LALGANJ District- Vaishali

Nitish Kumar @ Nitish Shukla @ Nitesh Kumar, S/O Late Shiv Shankar Singh, R/O Village- Chakmunni, P.S and District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Anish Kumar, Advocate
For the Opposite Party/s	:	Mr. Uday Pratap Singh, APP Mr. Shyameshwar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 23-05-2023 Heard learned senior counsel for the petitioner and the learned APP for the State as well as learned counsel for informant.

The petitioner is apprehending his arrest in connection with Lalganj P.S. Case No. 18 of 2018 corresponding to G.R. No. 226 of 2018 registered for the offence punishable under Section(s) 307, 461, 379, and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that in the night, while the informant was sleeping, the petitioner has fled away after taking two lakhs rupees from the counter of his shop, where they were sleeping. On the chase, it is alleged that the petitioner fired upon the informant, which hit him on the thigh.



Learned senior counsel for the petitioner submits that manner of occurrence as alleged is highly improbable. It is further submitted that the nature of injury sustained is simple, which has been emerged in the course of investigation. Even the firing has allegedly hit the informant on a non-vital part. It is also submitted that after due investigation, the police submitted a final form finding the case not true, though he does not dispute that the same has not been accepted by the court and the petitioner is availing remedy against the decision of the court not to accept the final form.

Learned APP for the State and learned counsel for the informant have opposed the prayer for pre-arrest bail. It is submitted that there is an injury report to support the allegation of firing upon the informant's thigh. The co-accused Bablu Thakur, against whom there was allegation of firing, has also moved this Court for grant of anticipatory bail in Cr. Misc. No. 7668 of 2023, which has been rejected, to which there is a serious objection by learned senior counsel for the petitioner that the rejection was on ground of three criminal antecedents of Bablu Thakur.

Considering the rival submissions, having regard to the nature of firearm injury attributed to the petitioner, and the



fact that similarly situated person has not been allowed bail and the nature of material emerging in the investigation, this Court is not inclined to allow petitioner’s prayer for grant of anticipatory bail.

Application is dismissed.

(Madhuresh Prasad, J)

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