

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5549 of 2024

Arising Out of PS. Case No.-411 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Aniket Kumar @ Bittu Son of Sanjai Choudhary R/o vill - Matihani, P.S. -
Matihani, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-04-2024 Heard Mr Ansul, learned counsel for the petitioner
and the State.

2. The petitioner is apprehending arrest in connection with Begusarai Town P.S. Case No. 411 of 2021 instituted under Sections 341, 307, 302, 504, 506, 120-B/34 of the Indian Penal Code and section 27 of the Arms Act lodged on 3.7.2021 by the informant, Anshuman Harswardhan.

3. As per the prosecution story, the informant alleged that she was in relationship with a co-student which was not liked by Vivek Kumar and he used to harass her. Upon making enquiry from him, he called his friend and allegation amongst the other against this petitioner is of opening fire causing injury to the informant on his right chest. He himself rushed to Panacea Hospital, Begusarai while his friend Ankit Kumar who



was shot by the Vivek Kumar died on the spot. Raja Kumar went under treatment at Glocal hospital. This followed the FIR.

4. Learned counsel for the petitioner submits on a petition put forward by his family members and on the direction of DIG, Begusarai, further investigation took place and it was found that he was present in a meeting relating to Covid-19 vaccination in the Panchayat office from 2.7.2021 and after the meeting, all of them left the place. Further, on that particular day, he was busy with the Covid-19 vaccination, monitoring the same entire day. Those who were also part of the said meeting have stated that this continued upto 7:30 PM. The tower location on 2.7.2021 also supports the case and thus, it cannot be presumed that he was present at the place of occurrence.

5. In this case, case diary was called for by a coordinate bench on 17.2.2021 which has since been received and learned APP has taken this Court to the confessional statement made by Vivek Kumar in which he has narrated the case and has virtually supported the prosecution story. He submits that one person has died, the informant was having animosity with the Vivek Kumar and not with the petitioner and as such false implication cannot be there unless he has actually shot on him. It is his further submission that in continuation of



the confession made by Vivek Kumar in para-111 of the case diary, on his disclosure, the pistol was recovered which has been incorporated in para-113 of the case diary.

6. This Court has gone through the confessional statement of Vivek Kumar in which he has confessed that the informant saved himself only because after petitioner opened fire which hit him, He ran towards Panacea Hospital. Though they followed him, as he entered the Hospital, they retreated and later after throwing the pistol near Preeti Jivan Hospital went in hiding.

7. The informant is an injured and he has made allegation against this petitioner amongst other of opening fire which hit him, he ran towards Panacea Hospital which was nearer to the place of occurrence and thus was able to save himself. This was not with the fate of his friend who took his last breathe at the place of occurrence itself due to the injuries. Further, the injury report of the informant issued by the Panacea Hospital is also on record which shows that he suffered fire-arm injury in his chest and the exist wound was present which can be seen in the posterior chest wall in the 10th/11th ribs region.

8. This is the case for grant of anticipatory bail and taking into account the aforesaid facts certainly, the petitioner is



not entitled for the relief sought for.

9. Accordingly, the anticipatory bail application stands
rejected.

(Rajiv Roy, J)

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