

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9605 of 2023

Arising Out of PS. Case No.-617 Year-2022 Thana- GAYA MUFASIL District- Gaya

PAPPU KUMAR Son of Surendra Yadav Resident of village - Nima, P.S.-
Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Gaya Muffasil P.S. Case No. 617 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act pending in the Court of learned Judicial Magistrate-1st Class, Gaya.

3. As per the prosecution case, the allegation against the petitioner along with other co-accused persons is that they have assaulted the informant and his family members and also fired, due to which brother of the informant sustained firearm injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not



specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioner. He further submits that there is specific overt act against co-accused, Arvind Kumar, who fired upon the brother of the informant and he has been granted regular bail by a Co-ordinate Bench of this Court. The petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioner is also involved in the present case.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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