

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5855 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- ARIYARI District- Sheikhpura

SUNIL KUMAR SON OF RAMBRICSH YADAV @ RAMBRIKSH YADAV
RESIDENT OF VILLAGE - FULCHAUDH, POLICE STATION - ARIYARI,
DISTRICT - SHEKHPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Advocate
For the State	:	Mr. Syed Ehteshamuddin, A.P.P.
For the Informant	:	Ms. Puja, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-04-2024 Heard Mr. Ajit Kumar Singh, learned Counsel for the petitioner and Ms. Puja, learned Counsel for the informant as also learned A.P.P.

2. The petitioner apprehends his arrest in connection with Ariyari (Mahuli) P.S. Case No. 236 of 2023 for the offence registered under sections 307, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 13.08.2023 by the informant, Vinod Yadav.

3. As per the prosecution story, the informant alleged that while his brother Ashok Yadav was making ridge in his agricultural land, the accused persons including this petitioner came and started abusing. Upon opposition, allegation is that this petitioner opened fire which hit the chest of the brother of



the informant who became unconscious and shifted to Sadar Hospital, Sheikhpura and then to refer to Patna, was finally admitted to Medwin Hospital, Khemnichak in New By-pass Road, Patna. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that he is a brilliant student having bright career and has already cleared the several written examination and going to jail will ruin his career.

5. Learned Counsel appearing on behalf of the informant, on the other hand, submits that direct allegation is against him of opening fire which hit the most vital part of the body, the chest, the informant's brother became unconscious and was rushed to Sadar Hospital and then to a specialty hospital in Patna.

6. It is her further submission that others were extended relief only on the ground that the main accused is this petitioner, she referred to Cr. Misc. No. 17620 of 2024 (Prashuram Yadav @ Parashuram Yadav @ Parshu Ram Yadav vs. The State of Bihar).

7. In that case, submission of the learned Counsel appearing on behalf of the petitioner was that specific allegation is against Sunil Kumar (this petitioner) and not against him.



8. Considering the aforesaid facts, the bail was extended to Prasuram Yadav but that was also with a rider that the same shall be done after framing of the charges.

9. A co-ordinate bench had called for the case diary which has since been received and this Court had perused the Injury Report which supports the prosecution story inasmuch as gun shot injury has been found over right interior chest. In that background, no relief can be extended to him and the anticipatory bail application stands rejected.

10. However, considering the submission of the learned Counsel for the petitioner of he having appeared in various competitive exam, if he surrenders within four weeks from today, the Court concerned shall take up the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

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