

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13357 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- SIKARHATTA District- Bhojpur

Muktinarayan Singh @ Mukti Narayan Son of Mahendra Singh @ Narendra Singh Resident of village - Chanda, Police Station - Sikarhatta, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-03-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 452, 307, 120B of the Indian Penal Code & Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and informant alleges that her husband on 13.07.2023 had gone to sleep in the cattle house of one Rajkeshwar Singh, when at 11.45 P.M. she received an information by one Anuj Singh that her husband was shot, accordingly, she reached the place of occurrence and saw her husband drenched in blood but was alive and her husband disclosed that five people came at about 11.35 in the night, who



committed the occurrence and he identified the petitioner along with one Pintu. The learned counsel submits that the date of occurrence is 13.07.2023 and the fardbeyan of the informant was recorded on 29.07.2023 i.e. after a delay of 16 days which is fatal for the prosecution. It is next submitted that if the husband of the informant disclosed about the petitioner and Pintu that they were also present along other unknown accused, who fired causing injury then why the informant did not inform the police instantly, which further casts an aspersion on the case of the prosecution.

4. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail application of the petitioner and rebuts the submission of the learned counsel for the petitioner and submits that what is not disputed rather stands admitted is that the husband of the informant received firearm injury and from perusal of the order impugned, it would manifest that at para-96 of the case diary, it has been recorded that the injured suffered grievous injury. It is further submitted that why the husband of the informant would try to implicate someone who was not associated with the occurrence, when allegation is of receiving firearm injury. It is further submitted that since the husband of the informant was shot as such the informant was



more interested in getting her husband treated than approaching the police but then it is not in dispute that the husband of the informant did not receive any firearm injury.

5. The learned counsel for the petitioner submits that the injured is also a criminal and as such he might have been shot by someone else and he implicated the instant petitioner, on which the learned APP again reiterates his submission and submits that since the injured received firearm injury as such there appears no reason why he would try to falsely implicate someone who did not commit the occurrence.

6. Considering the submissions made by the learned APP, the court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the anticipatory bail application of the petitioner stands rejected.

(Satyavrat Verma, J)

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