

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19544 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- SAMASTIPUR District- Samastipur

Durgesh Kumar @ Durgesh Sharma Son of Parveen Kumar Sharma @ Pravin Kumar Resident of Village- Dharmagatpur Bathua, Police Station- Pusa, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner is apprehending his arrest in connection with Samastipur Town P.S. Case No.227 of 2023, registered for the offence punishable u/s 324, 326, 307, 120B, 34 IPC read with sections 25(1-B)A, 26, 27, 35 of the Arms Act.

3. As per the F.I.R., the constable deputed in the Civil Court Premises had brought some accused persons for their production in the court and in the course of returning, some criminals opened fire upon them, which hit two custody accused.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence. He is not named in the F.I.R. and has been falsely implicated in this case due to ulterior motive. During investigation, one co-



accused was apprehended, who disclosed the name of nine persons but did not take the name of petitioner. Thereafter, one Ram Babu Rai was apprehended by the police and he disclosed the name of petitioner and other accused persons. On that basis, the name of petitioner transpired in this case. Petitioner has one criminal antecedent and several other co-accused have been granted bail by co-ordinate Bench of this Court.

5. Learned APP for the State opposed the prayer for bail by submitting that there is allegation against the petitioner.

6. Considering the aforesaid facts and circumstances and the nature of allegation that in the Court premises firing has been made and in which, two custody accused sustained injury, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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