

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19907 of 2024**

Arising Out of PS. Case No.-178 Year-2023 Thana- GAYA MUFASIL District- Gaya

RAHUL SINGH @ RAHUL RAJ SON OF UPENDRA SINGH RESIDENT
OF VILLAGE - IMALIYA, P.S. - PALI, DISTRICT - JEHANABAD
(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Priya Ranjan, Advocate
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, A.P.P.
For the Informant	:	Mr. Rajesh Kumar Sharma, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 02-04-2024 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, after relieving from house of his friend, husband of informant reached his house to have refreshment and as soon as he came out of the house, the informant heard sounds of gunshot. She further alleged that in the light of bulb, she identified some of the F.I.R. named co-accused persons, including this petitioner, fleeing from the place of occurrence. She claims that the deceased disclosed that F.I.R. named accused persons have shot him.

4. It is submitted on behalf of the petitioner that



petitioner is innocent and has been falsely implicated in this case. Informant is not eye-witness to the occurrence. As per F.I.R., itself, there is no allegation of any overt act against him.

5. Learned A.P.P. for the State as well as counsel for the informant have opposed the prayer for anticipatory bail and submitted that petitioner and other co-accused persons have committed the murder of husband of informant and informant has named this petitioner in the F.I.R., as the person, who was seen fleeing away along with other co-accused persons from the place of occurrence. Besides this, the petitioner has got one criminal antecedent and processes under Section 82/83 Cr.P.C. have been initiated against him.

6. Considering the fact that petitioner was seen fleeing away at the place of occurrence, has got criminal antecedent and processes under Section 82/83 Cr.P.C. have already been initiated against him, the anticipatory bail application of petitioner is rejected.

(Prabhat Kumar Singh, J)

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