

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29888 of 2024

Arising Out of PS. Case No.-185 Year-2023 Thana- SAUR BAZAR District- Saharsa

Raja Kumar S/O Vijay Yadav R/O Maruwaha, Ward No. 06, P.S- Bharahi O.P.
Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dinesh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Saur Bazar P.S.
Case No. 185 of 2023 registered for the offences punishable
under Sections 341, 323, 307/34, 379 of the Indian Penal Code
and Section 27 of Arms Act. Later on, Section 414 of the
Indian Penal Code was added.

3. As per the FIR, on 03.04.2023, when the informant
along with his *bhagina* Raman Kumar were coming from
sister's village to Saharsa Railway Station, three persons came
on one motorcycle and dashed his motorcycle. Upon objection,
one of them brought pistol and fired upon him causing hit at his
stomach. They also assaulted one Raman Kumar with butt of
pistol on his head and snatched two mobiles as well.

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. His name has been transpired in the present case merely on the basis of the confessional statement of the apprehended co-accused Dilkhush Kumar @ Dillu Kumar. Petitioner has no knowledge about the said stolen mobile, which was purchased by his friend, namely, Dilkhush Kumar @ Dillu Kumar from Md. Akbar. It is further submitted that the allegation of assault and opening firing upon the informant is against unknown miscreants. He further submits that the similarly situated co-accused have been enlarged on bail by a co-ordinate bench of this court. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the informant has sustained grievous injury at his lower abdomen, which is also evident from the impugned order. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of case as well



as the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

(Anjani Kumar Sharan, J)

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