

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30943 of 2023

Arising Out of PS. Case No.-867 Year-2021 Thana- FATUA District- Patna

Sanjay Kumar @ Bhoma Son Of Kapil Rai Resident Of Village -Mirjapur
Nohta, P.S. - Fatuha, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandar Verma, Sr. Adv. Mr. Vijay Anand, Adv.
For the Informant	:	Mr. Sunil Kumar Pathak, Adv.
For the Opposite Party/s	:	Mr.Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 15-02-2024 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Fatuha P.S. Case No. 867 of 2021 dated
08.11.2021 registered for the offence/s punishable u/ss 384 and
302 read with section 34 of the Indian Penal Code and 27 of the
Arms Act.

3. As per the prosecution case, the petitioner and the
co-accused persons along with 4-5 unknown miscreants are
alleged to have surrounded the informant's husband due to non-
fulfillment of demand of extortion money and the petitioner



fired on the informant's husband on the back side of his head and the accused Randheer Kumar fired on his Panjara and Ajay Kumar fired on his back due to that he died and they fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has further submitted that the informant was not present at the time of the alleged occurrence and there is no eyewitness in this case. Learned counsel has further submitted that as per Post Mortem report, it appears that only three wounds of entry found on the deceased. The petitioner has four other criminal antecedents as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and submitted that the specific allegation against the petitioner is of firing on the back side of the head of the deceased which gets support from the Post Mortem Report of the deceased.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out and the same is



rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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