

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40270 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- BIHARIGANJ District- Madhepura

Nanku Yadav Son of Late Rupen Yadav Resident of Vilage- Fatehpur, P.S. -
Bihariganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bihariganj P.S. Case No. 164 of 2023 registered for the offences punishable under Sections 341, 323, 379, 307, 395, 397, 412, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the accused persons including the petitioner intercepted the Informant and one of them fired upon him hitting into the neck of Gandhi Kumar with an intention to kill him and, thereafter, looted Rs. 56,610/-, one mobile phone and a motorcycle bearing Regd. No. BR19S-7150.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of co-accused Satyam and Ashish. The specific allegation of firing has been made on Satyam Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Except confession, there is nothing against the petitioner in the entire record of this case. None of the witnesses have supported the involvement of the petitioner in the alleged occurrence. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present application. The petitioner has no concern with the alleged occurrence. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner further submits that the co-accused Ashish Kumar has been granted regular bail by this Court vide order dated 13.03.2024 passed in Cr. Misc. No. 16726 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner stating that the allegation made against the petitioner is serious in nature. The police has



also submitted the charge-sheet finding the case true u/s 394, 397, 412 of the I.P.C. and Section 27 of the Arms Act against the other co-accused persons. In the injury report, the doctor has opined the nature of injury to be grievous caused by gunshot . He further submits that there is a direct allegation of firing against the co-accused in conclusion with the petitioner and, thus, he does not deserve anticipatory bail.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner as also considering the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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