

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38690 of 2024

Arising Out of PS. Case No.-1037 Year-2023 Thana- BIHTA District- Patna

Monu Kumar Son of Bindeshwari Singh @ Bindeshwar Singh Resident of
Village - Bindaul, P.S. - Bihta, District - Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishikant, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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

ORAL ORDER

5 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bihta P.S. case No. 1037 of 2023 instituted for the offences under Sections 147, 148, 149, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that the accused persons including the petitioner, variously armed, fired in the puja pandal. Co-accused Niraj fired at the informant but any how he escaped and the petitioner also fired due to which all the members of the committee fled away from the pandals.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. Learned counsel further submits that the petitioner has been implicated in the present case as there is on going dispute in the form of Title Suit No. 37 of 2019 between the parties in which the informant is defendant No. 2. Learned counsel for the petitioner submits that informant is a local land mafia against which several cases have been filed and as many as five is mentioned in paragraph 10 of the application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner. Learned A.P.P. submits that there is direct allegation of firing against the petitioner. The police after completion of investigation submitted charge-sheet under section 307 of the I.P.C. against co-accused and the investigation against this petitioner is pending. Thus, the petitioner does not deserve the privilege of anticipatory bail.

7. Considering the fact that specific allegation of firing is attributed against the petitioner and the gravity of offence, this Court is not inclined to grant bail to the petitioner as this is not a fit case for grant of anticipatory bail.

8. The prayer is rejected. The petitioner is directed to surrender in the Court below. If any such application is filed within a period of four weeks, the same shall be considered on



its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Pankaj/-

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