

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44359 of 2024

Arising Out of PS. Case No.-606 Year-2023 Thana- SABAUR District- Bhagalpur

Rakesh Kumar @ Rako S/o Dinesh Mandal @ Dinesh Mahaldar R/o vill -
Lailakh, P.S. - Sabour, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Ishwar Prasad, Advocate
For the State	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 02-08-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Sabour P.S. Case No.606 of 2023, dated
08.11.2023, registered for the offences punishable under
Sections 307/34 of the Indian Penal Code read with Section 27
of the Arms Act.

3. The prosecution case as emerges from the FIR is
that the present Petitioner was driving motorcycle with the co-
accused, Sujit Kumar as pillion rider. The pillion rider Sujit
Kumar shot at the informant by his country made pistol causing
gun shot injury to him. Thereafter, the present Petitioner who
was driving the motorcycle also took out country made pistol
from his waist. However, he was overpowered by the friends of



the informant.

4. Ld. counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that no recovery of any arms has been made from the Petitioner.

5. It is also stated in paragraph no. 2 of the petition that no similar petition has earlier been filed by the petitioner either before this Court or before the Hon'ble Apex Court.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State opposes the prayer of the Petitioner for anticipatory bail submitting that the nature of the allegation is serious. The Petitioner along with the co-accused Sujit Kumar were carrying country made pistols and the co-caused fired at the informant causing serious injury necessitating Intensive Care Unit treatment. The life of the informant could be saved only on account of intervening circumstances.

8. From perusal of the case diary, it transpires that the informant was admitted in hospital and he has got treatment even in the I.C.U of Bhagalpur Jeewandeep Hospital showing seriousness of the injury.



9. Considering the nature of the allegation, I am not persuaded to enlarge the Petitioner on anticipatory bail. The bail petition of the Petitioner is dismissed, accordingly.

10. However, if the Petitioner prefers to surrender and seek regular bail, the Trial Court may consider his petition as per law.

(Jitendra Kumar, J.)

Chandan/
ravishankar-

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