

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44904 of 2024

Arising Out of PS. Case No.-44 Year-2023 Thana- DIDARGANJ District- Patna

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MUKESH KUMAR S/O LATE RAMKISHUN SINGH R/O VILLAGE-
SONAWAN, P.S- DIDARGANJ, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for offence under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that 9 months ago cousin brother of informant was shot and informant was witness in that case and so he was continuously receiving threat for not giving his evidence otherwise he would be killed. On 09.11.2022 at about 06:30 P.M., informant had gone to purchase some medicines and when he was coming back, co-accused Rajesh Kumar, Shesh Nath Gop and this petitioner called him near them and thereafter, co-accused Rajiv Kumar, while abusing, asked to shoot him and then with intention to kill him,



Mukesh Kumar (petitioner) fired gun shot, but he luckily escaped and then co-accused Shesh Nath Gop took *katta* from his waist and fired at informant, which hit informant in his right side of waist and thereafter, all accused persons fled away from spot.

4. Learned counsel for the petitioner submits that though, as per F.I.R., petitioner fired at informant, but it did not hit him. Informant sustained fire-arm injury caused by co-accused Shesh Nath Gop. Petitioner claims clean antecedent.

5. However, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that petitioner is named in the F.I.R. and there is specific allegation of firing against him.

6. Considering the fact that petitioner is named in the F.I.R. and the backdrop of the incident, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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