

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53417 of 2023

Arising Out of PS. Case No.-424 Year-2020 Thana- GRIYAK District- Nalanda

KIRAN BHAGAT SON OF SHIVPUJAN BHAGAT R/O-CONGRESS
ROAD, NEAR BAZAR, ISLAMPUR, P.S.-ISLAMPUR, DISTT.-DINAJPUR
(WEST BENGAL)

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA, BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 29-02-2024 Heard learned counsel for the parties.

2. Petitioner is apprehending his arrest in connection with Pawapuri (Giriyak) P.S. Case No.424/2020, registered for the offence punishable u/s 302/34 of IPC and 27 of the Arms Act.

3. Allegedly, four unknown accused persons came riding on a motorcycle at the restaurant of the informant and one of the accused twice fired upon the informant's father and they fled away by firing in the air. The father of the informant was declared brought dead at the hospital.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence. He is not named in the F.I.R. and has been falsely implicated in this case due to ulterior motive. His name transpired on this case during investigation on the basis that one SIM was purchased



from his mobile shop by co-accused Amiruddin. The petitioner is running mobile shop in the name of Bhagat mobile and he handed over the SIM No.90933716815 to Md. Amiruddin after proper identification and same was activated but the I.O. in collusion with mobile holder wrongly mentioned that alleged SIM was not delivered to Amiruddin by the petitioner. There is no specific allegation against the petitioner. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the petitioner is involved in the alleged offence.

6. Considering the aforesaid facts and circumstances and the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, if, petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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