

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54565 of 2024**

Arising Out of PS. Case No.-348 Year-2023 Thana- BHAGWANPUR District- Begusarai

Shivam Kumar Son Of Late Yashvant Jha Resident Of Village - Sanjat, Police  
Station - Bhagwanpur, District - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Bijay Bhushan Prasad, Adv. |
| For the Opposite Party/s | : | Mr. Jitendra Kumar Singh, APP. |
| For the Informant        | : | Mr. Braj Bhusan Poddar, Adv.   |

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

5      22-11-2024                      Heard learned counsel for the petitioner, leaned  
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bhagwanpur P.S. Case No. 348 of 2023, registered for the offences punishable under Sections 341, 323, 504, 506, 307, 379 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. The prosecution case, in short, is that accused Shivam Kumar came at the door of the informant armed with pistol and told him to leave the house and started abusing him. When the informant objected, Shivam Kumar caught his collar and started firing due to which one bullet hit in his right thigh while another bullet passed touching his head causing injury on



his head.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the instant case by the informant. The informant is the own uncle of the petitioner. There is admitted land dispute between the parties. It is next submitted that the date of occurrence is 15.12.2023 and the FIR has been instituted on 16.12.2023 after a delay of one day. It is further submitted that during the course of investigation, none of the independent witnesses has supported the case of the prosecution. Lastly, it has been submitted that petitioner has one criminal antecedent as mentioned para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that there is direct allegation of firing against the petitioner which hit in right thigh of the informant. It is further submitted that as per injury report, one entry wound in upper thigh and exit wound in lower thigh caused by fire arm injury was found.

6. Considering the aforesaid facts and circumstances of the case and submissions made by learned counsels for the parties, I am not inclined to extend the privilege of anticipatory



bail to the petitioner.

7. The application stands rejected.

8. If the petitioner surrenders before the concerned court within four weeks and prays for regular bail, the same shall be considered and disposed of, preferably, on the same day without being prejudiced by this order.

**(Khatim Reza, J)**

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