

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56423 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Bahera District- Gaya

Santosh Kumar @ Santosh Kumar Chaudhari son of Suresh Chaudhary
Village- Amin Ps- Hanterganj Dist- Chatra Jharkhand

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bahera P.S. Case No. 35 of 2024 dated 12.05.2024 for the offences punishable u/ss 147, 148, 149, 341, 323, 325, 326, 307, 332, 333, 353, 414, 420, 467, 468 of the Indian Penal Code and Sections 30(a), 41 and 45 of the Bihar Prohibition and Excise Act and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have formed an unlawful assembly and made hindrance in discharging the official duty of the police personnel. They also assaulted the police party with lathi, danda and stones causing injuries to them. It is further



alleged that the petitioner Santosh Kumar fired on the police party which did not hit anyone and thereafter police recovered four motorcycles, two mobiles, two empty cartridges from the place of occurrence. It is further alleged that total 14 litres of country made liquor was also recovered from the motorcycle.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The name of the petitioner was disclosed by local people. It is further submitted that the petitioner has no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the specific allegation of firing on the police personnel is against the petitioner and caused hindrance in discharging the official duty of the police personnel.

7. Considering the aforesaid facts and circumstances of the case as well as the material available on the record, I am of the view that no case for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioner to surrender before the Court below concerned within six weeks



from today and pray for regular bail and the learned Court below shall consider the prayer for regular bail of the petitioner on the same day in accordance with law without being prejudiced by this order.

8. The application stands disposed of.

(Chandra Prakash Singh, J)

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