

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63918 of 2024

Arising Out of PS. Case No.-346 Year-2024 Thana- CHAPRA TOWN District- Saran

Mithilesh Singh @ Mithilesh Kumar Singh S/O Raj Kumar Singh R/O- Ward
No. 42, Nayi Basti Badatelpa, P.S- Chapra Town, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-10-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 307, 302/34 and 120(B) of the Indian Penal Code as well as
Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that on 20.05.2024 during Lok Sabha Election at Booth
No. 318 and 319, the RJD candidate came when some
miscreants abused and misbehaved with her and also attacked
her for which Chapra P.S. Case No. 342 of 2024 was instituted.
It is next alleged that on account of the said occurrence dated
20.05.2024, 12 named accused persons including the petitioner



on 21.05.2024 along with 40-50 unknown accused came variously armed and intercepted his son Chandan Ram at 07:00 a.m. at Bhikhari Chauk. Further, on orders of Chandan Singh, Manoj Kumar Singh and Mintu Singh, accused Ramakant Singh shot the son of the informant on his chest, thereafter petitioner shot Guddu Kumar causing injury on his waist while Ram Pratap Singh shot Manoj Ram causing injury on his temple and Satya Nand Singh shot Deepak causing injury on his right rib. It is next alleged that on alarm, the informant along with others came at the place of occurrence when the accused persons fled away and the injured were taken to the hospital where the Doctor declared Chandan Rai dead.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation is alleged against the petitioner of causing firearm injury to Guddu Kumar but then draws the attention of the Court to the FIR to submit that informant himself alleges that on alarm he along with others came at the place of occurrence when the accused persons fled away. It is next submitted that informant thus is not an eyewitness to the occurrence but then with such



precision he has alleged about the accused persons that they committed the occurrence when the FIR does not even remotely suggest that on what basis the informant alleges that petitioner was present at the place of occurrence and he fired, when it is not disclosed in the FIR that the informant came to know about the presence of the accused persons including the petitioner by any of the injured or any eyewitness to the occurrence. It is also submitted that the occurrence took place at 07:00 a.m. and the FIR came to be instituted at 08:30 p.m. on the same day i.e. after a delay of more than twelve hours which amply demonstrates that the FIR was instituted after due consultation. It is further submitted that petitioner is a person with clean antecedent and all of a sudden has been implicated in a case where it is being alleged against him that he fired causing injury to Guddu on waist and that too by the informant who is not an eyewitness to the occurrence.

5. Learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner and submits that process under Section 82 of the Cr.P.C. has already been issued against the petitioner on 01.07.2024 on which learned counsel appearing on behalf of the petitioner submits that petitioner was availing his remedy



available in law but then police in haste sought process under Section 82 of the Cr.P.C. and the Court in a mechanical manner granted the same. It is next submitted that process under Section 82 Cr.P.C. is not to be issued for mere asking to help the police in investigation, but the purpose of Section 82 Cr.P.C. is to ensure the presence of accused before the court.

6. On query of the Court as to when the anticipatory bail application of the petitioner was filed before the learned District Court, learned counsel for the petitioner fairly submits that the same was filed on 05.07.2024 i.e. after the process under Section 82 of the Cr.P.C. was issued.

7. Since the process under Section 82 of the Cr.P.C. has been issued and petitioner is alleged to have fired, as such, the Court is not inclined to grant anticipatory bail to the petitioner in connection with Chapra Town P.S. Case No. 346 of 2024 pending in the Court of learned Chief Judicial Magistrate, Chapra, Saran/Successor Court.

8. Hence, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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