

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70352 of 2023

Arising Out of PS. Case No.-246 Year-2022 Thana- RANIYATALAB District- Patna

ANKIT KUMAR Son of Surya Kumar @ Gabudhan R/o vill - Bara, P.S. -
Ranitalab, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Adv.

For the Opposite Party/s: Mr.Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Ranitalab P.S.
Case No. 246 of 2022 registered for the offences punishable
under Sections 307 of the Indian Penal Code and Section 27
of Arms Act.

3. Allegedly, petitioner is said to have fired upon the in-
formant due to which he sustained fire arm injury near his
spine.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no of-
fence. No such occurrence as alleged ever took place. The in-
formant is father of the petitioner. Petitioner has been falsely



implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He has been made accused in the present case merely because the informant had abandoned the mother of the petitioner and solemnized marriage with another lady. There is inordinate and abnormal delay of 16 days in filing the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is serious allegation against the petitioner to fire upon the informant due to which he sustained fire arm injury, which is also evident from the injury report of the informant. Hence, petitioner does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of case as well as the nature of offence, as the informant sustained fire arm injury, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular



bail, the learned Court below shall pass order on the same day
in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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