

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68633 of 2024

Arising Out of PS. Case No.-392 Year-2024 Thana- SHASTRINAGAR District- Patna

Krishna Mistri @ Krishna Paswan Son of Vaiju Mistri @ Baiju Paswan
Resident of Mohalla - Raja Bazar, Rukanpura, Behind Sai Mandir, P.S.-
Shashtri Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukul Jee, Advocate
For the State	:	Mrs. Rina Sinha, APP
For the Informant	:	Mr. Dhaneshwar Prasad Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-12-2024 Heard Mr. Mukul Jee, learned counsel for the

Petitioner, Mr. Dhaneshwar Prasad Gupta, learned counsel for

the Informant and Mrs. Rina Sinha, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Shashtri Nagar P.S. Case No. 392 of 2024 dated
19.05.2024 registered for the offences punishable under
Sections 326, 307 and 120 B read with Section 34 of the Indian
Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution story, on 19.05.2024, the
informant was working near his flat, while his elder brother
Guddu Babu @ Avinash Anand was standing by his motorcycle
near Sai Temple, in the meantime, four accused persons
including the petitioner allegedly attacked the informant's



brother and fled away. Informant further alleged that the attack was a part of a conspiracy hatched up by the petitioner and the other three accused persons, the cause of the attack is said to be the removal of cattle shed (*khatal*) run by the accused persons which they believed was removed due to the informant's involvement.

4. The main submissions advanced by learned counsel appearing for the petitioner are that though the petitioner is named in the FIR but against him, there is no specific allegation and he has fair and clean antecedent and he was not seen in the C.C.T.V. footage which was scanned by the police, there was no good relation in between the petitioner and the injured on account of removing of a cattle shed (*khatal*) from a government land.

5. On the contrary, learned counsel appearing for the informant has vehemently opposed the prayer for bail of the petitioner and submits that as per the FIR, three persons came on a motorcycle and fired at the informant's brother which caused firearm injury on the neck of the injured and he is still under treatment and the petitioner is named in the FIR and according to the investigation based on the examination of the C.C.T.V. footage of the concerned cameras installed nearby the



place of occurrence, three persons were seen coming on a motorcycle at the place of occurrence during the relevant time which is corroborative to the manner of the occurrence described in the FIR. He further submits that the informant's brother, injured is still under treatment and admittedly, there was not a good relation in between the injured's family and the petitioner.

6. Considering the seriousness of the allegation appearing against this petitioner from the FIR and the instant matter relates to attempt to murder committed by using a firearm and admittedly, there was not a good relation in between the petitioner and the informant's family and the case is under investigation, in my opinion, it is not a fit case for anticipatory bail to the petitioner, accordingly his prayer stands rejected.

(Shailendra Singh, J)

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