

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68281 of 2023

Arising Out of PS. Case No.-85 Year-2022 Thana- SAMASTIPUR District- Samastipur

SAHIL PASWAN @ SAHIL KUMAR SON OF PRABHAT KUMAR RESIDENT OF VILLAGE - DHURLAKH, P.S. - MUFFASIL, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s: Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Samastipur Town P.S. Case No.85 of 2022, registered for the offence punishable under Sections 448, 341, 323, 504, 307, 379, 427, 34 of the Indian Penal Code and 27, 35 of the Arms Act.

3. The allegation against the petitioner is that he along with other co-accused persons went to the shop of the informant and started abusing and pelting stone. It is alleged that the petitioner shot fired upon the informant due to which informant sustained injury.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation lev-



elled against the petitioner is not specific rather general and omnibus in nature. He submits that the doctor has found the injury as of simple nature. He further submits that the similarly situated co-accused persons have been granted anticipatory bail by co-ordinate Bench of this Court, which is also mentioned in para-10 of the bail application. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as there is specific allegation against the petitioner to fire upon the informant, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is, accordingly, dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass the order on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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