

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70323 of 2023

Arising Out of PS. Case No.-1510 Year-2022 Thana- PHULWARISHARIF District- Patna

AKASH KUMAR @ APPU KUMAR @ APPU S/O ARUN PRASAD
GUPTA R/O MOHALLA- TAKIYAPAR, P.S.- DANAPUR, DIST.- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Mira Kumari, Adv Mr. Jitendra Narain, Adv
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Sumit Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 12-07-2024 Heard Mr. Jitendra Narain, learned counsel for the petitioner, Mr. Sumit Kumar, learned counsel for the informant and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Phulwarisharif (Janipur) P.S. Case No. 1510 of 2022 registered under Sections 302, 326 and 34 of the Indian Penal Code lodged on 09.12.2022 by the informant, Luvkush Gupta.

3. As per the prosecution story, the informant alleged that he along with his brother were going to attend marriage ceremony, his maternal brother-in-law, Bittu Kumar requested them not to attend. As they tried to leave, allegation is that this petitioner opened fire causing injuries to both of them and subsequently, his brother succumbed to those injuries.



Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that there is confusion in the name *inasmuch* as while he is the son of Arun Kumar Gupta, in the F.I.R. it has been incorporated as Anil Kumar Gupta and in that background, for the act of one person, he has been implicated.

5. Learned APP as also learned counsel for the informant jointly submitted that the petitioner is the actual person who is the accused in the F.I.R. It is the joint family of the accused and inadvertently, the informant incorporated the name of the father of this petitioner as Anil Prasad Gupta instead of Arun Kumar Gupta and both Arun Prasad Gupta and Anil Prasad Gupta are own brothers and there is no such boy with the same name who is the son of Anil Prasad Gupta.

6. It is further submission that there is direct allegation against this petitioner along with Abhishek and his brothers of taking steps which resulted into opening of fire arms causing death of informant's brother as also injuries to the informant. The last submission is that process under Section 83 Cr.P.C has already been done.

7. In that background and considering the allegation that has come as also the submissions put forward by the



learned APP and the informant, it would be appropriate that the petitioner seeks bail.

8. The anticipatory bail petition stands rejected.

(Rajiv Roy, J)

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