

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77142 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- Lakho District- Begusarai

Sudama Malakar @ Sudama Kumar @ Sudama Kumar Malakar @ Sudam
Kumar Malakar @ Sudam Kumar Son of Umakant Malakar Village-
Bahdarpur P.S -Lakho District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh (App)
For the Informant	:	Mr. Sarvottam Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-11-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Lakho Police Station Case No. 12 of 2024,
disclosing offences under Sections 307, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per the prosecution case, on 23.03.2024, the
informant received the information that his nephew Aman
Kumar has sustained firearm injury in a marriage ceremony
which he was attending along with others.

4. Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case only
because petitioner was seen sitting on a motorcycle along with
the injured Aman Kumar and one other person namely Sunil
Yadav. He further submits that the statement of the victim was
recorded during course of the investigation in which the victim



has only said that the bullet was fired from the firearm of the petitioner, thereafter, he lost his consciousness. No intentional firing was made by the petitioner and the petitioner himself took the informant's nephew to the hospital. He further submits that victim has also stated that the petitioner was not having any animosity with the victim prior to this incident.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that in his statement, the victim has categorically stated that the bullet fired by the petitioner in the marriage ceremony hit near the neck of the victim due to which he sustained firearm injury.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the statement of the victim during course of the investigation and the fact that he sustained firearm injury caused by the firing made by the petitioner in the marriage ceremony, I am not inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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