

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74166 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- PURAINI District- Madhepura

Prince Kumar @ Malick Kumar S/o- Ranjan Yadav R/o - Bala Tol, P.S -
Puraini, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP
For the Informant : Mr. Pawan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-11-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Puraini P.S. Case no. 95 of 2024 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that she received information from her husband to the effect that the 7 named accused persons including the petitioner herein came variously armed. It is further stated that the shot fired by the petitioner Prince Kumar @ Malick Kumar missed her husband while the shot fired by Dhananjay Yadav hit him in his stomach. The accused persons had threatened to kill him. The husband of the informant was taken to the hospital from where



he was referred to Bhagalpur but he died on way.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Admittedly the informant is not an eye witness to the occurrence and the source of her statement is information gathered from the deceased husband. Further referring to the contents of the F.I.R it is submitted that the statement of the deceased husband of the informant was recorded which has come in paragraph no. 20 of the case diary, however the petitioner has not been named therein. It is thus submitted that the petitioner be enlarged on anticipatory bail.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner besides being named in the F.I.R is said to have actively participated in the occurrence and there is direct allegation against him of having fired upon the informant. Further referring to the statement recorded in paragraph no. 20 of the case diary which is referred to in the order of the learned trial Court, learned counsel submits that the petitioner has been named therein.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in



the F.I.R wherein the petitioner is said to have resorted to firing along with others wherein the husband of the informant died as a result of gun shot injury, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned trial Court within a period of four weeks.

(Partha Sarthy, J)

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