

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77912 of 2024

Arising Out of PS. Case No.-282 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Mithun Kumar Son of Chandrakishore Yadav Resident of village- Turki, P.S.- Bhakityarpur, District- Saharsa.
 2. Banti Kumar @ Rajiv Kumar Son of Vijay Yadav Resident of village- Bhatpura, P.S.- Bhakityarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 26-11-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Simri Bakhtiarpur PS case no. 282 of 2024, disclosing offences punishable under Section 307 and other allied sections of the Indian Penal Code and Section 27 of Arms Act.
3. The prosecution story, as per the First Information Report, is that petitioner no. 2 had purchased sweets of worth Rs. 750/- from the informant without paying the amount. On 16.06.2024, when petitioner no. 2 passed across the informant's shop, the informant demanded his money, upon which,



petitioner no. 2 got angry and demanded extortion money of Rs. 2 lacs from the informant. When the informant objected, he along with petitioner no. 1 and 10-12 unknown persons came at the sweet shop of the informant and started indiscriminate firing with an intention to kill him.

4. Learned Counsel for the petitioner submits that there is general and omnibus allegation of firing upon the petitioners along with 10-12 unknown persons. Learned counsel further submits that petitioners were neither arrested from the spot nor any incriminating article has been recovered from their conscious possession. She also submits that though petitioner no. 1 is having one criminal antecedent but petitioner no. 2 has got clean antecedent.

5. Having regard to the facts and circumstances of the case and taking into consideration the seizure list, which itself shows that 05 empty cartridges of 7.65 bore each, have been recovered from the place of occurrence, I am not inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, dismissed.

7. However, if the petitioners surrender and seek regular bail, the concerned learned Court may decide the same on its merit without being



prejudiced by the rejection of the present anticipatory bail application by this Court.

(Anil Kumar Sinha, J)

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