

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78402 of 2023

Arising Out of PS. Case No.-861 Year-2023 Thana- PHULWARISHARIF District- Patna

SHANU YADAV @ SAHANU @ SHANU KUMAR SON OF LALBABU
YADAV @ KAUSA RESIDENT OF VILLAGE - NAWADA, PURVI TOLA,
P.S. - PHULWARI SHARIF, DISTRICT - PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Narayan Yadav

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-01-2024 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 Phulwarisharif Police Station Case No. 861 of 2023, dated 11.06.2023, disclosing offences punishable under Sections 341/447/307/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. The First Information Report has been registered against two unknown criminals. The prosecution case, as per the First Information Report, is that two unknown miscreants, who were covering their faces, reached the restaurant of the informant and fired upon the Manager of the Restaurant and two customers, who were having their



meal in that restaurant, however, they anyhow managed to save themselves.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He further submits that the petitioner has got no criminal antecedent and he is not named in the First Information Report. He next submits that the name of the petitioner transpired in the confessional statement of co-accused Golu Kumar, who was arrested in connection with this case on 29.06.2023, and co-accused Golu Kumar has not only confessed his guilt, but has also disclosed the name of the petitioner as the person who had resorted to firing upon the Manager and two other customers.
5. I have heard learned Counsel for the parties concerned and have perused the material available on record, including the impugned order.
6. From perusal of the impugned order, it transpires that the co-accused Golu Kumar, in his confessional statement, has disclosed the active involvement of the petitioner in the alleged offence.
7. Considering the above, I do not find any reason to differ



with the findings arrived at by the learned Additional Sessions Judge-XXI, Patna, inasmuch as the case is under investigation, wherein the custodial interrogation of the petitioner may be necessary based upon the material collected by the police during course of investigation. As such, I am not inclined to grant anticipatory bail to the petitioner.

8. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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