

Arising Out of PS. Case No.-465 Year-2017 Thana- BIHPUR District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.
: Mrs. Priyanka Singh, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-07-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bihpur (Bhawanipur) P.S. Case No. 465/2017 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 387, 379, 504 of the Indian Penal Code and 27 of the Arms Act.

3. As per prosecution case, petitioner and others concertedly made firing and abusing and demanded Rs.5,00,000/- (five lakhs) from the informant. It is further alleged that petitioner and others also assaulted the informant and took away Rs.5,000/- from informant's pocket.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. After perusal of FIR, there is no specific allegation against the petitioner, allegation against all accused persons including petitioner who have assaulted the informant by means of fists and slabs. The petitioner bears criminal antecedent of nine cases and in all cases he is on bail. He further submits that occurrence took place on 03.11.2017 and FIR lodged on 05.11.2017 after delay of two days and there is no explanation of such delay. There is no empty cartridge has been recovered from the place of occurrence. In the light of aforesaid submission, no offence is made out under Section 27 of the Arms Act against the petitioner.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner, keeping in view petitioner having criminal antecedent of nine cases.

6. Considering the facts and circumstances of the case, petitioner having series of criminal antecedent, I am not inclined to grant privilege of anticipatory bail to petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

7. However, the petitioner is directed to surrender



before the concerned court within six weeks from the date of receipt of the order. If petitioner surrenders and seeks regular bail, the concerned court may pass an appropriate order on the day of hearing without being prejudiced by order of this court.

(Alok Kumar Pandey, J)

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