

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79911 of 2023

Arising Out of PS. Case No.-577 Year-2022 Thana- TRIVENIGANJ District- Supaul

Samarat Sona @ Sona Babu Son Of Anil Kumar Thakur R/O Bhuda, Ward
No. 8, P.S.- Triveniganj, Dist.- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lallu Prasad

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 17-05-2024 Heard learned counsels appearing on behalf
of the parties.

2. The accused/petitioner is named in the F.I.R
and apprehending his arrest in connection with
Triveniganj P.S. Case No. 577 of 2022 registered for the
offence under Sections 148, 149, 448, 341, 323, 326,
307, 302, 427 of the I.P.C. and under Section 27 of the
Arms Act.

3. The allegation against the petitioner is to fire
upon the cousin brother of the informant namely Mithu
Kumar. During the course of occurrence causing chest
injuries, having intention to cause death, where
occurrence is alleged to be arising out of local difference



and dispute.

4. It is submitted by learned counsel that the occurrence basically is free fight in nature where both the parties received injuries. It is also submitted that the petitioner is a student and a man of clean antecedent and he was implicated with present case out of local village politics. It is submitted that as the occurrence is free fight in nature therefore, intention to cause death cannot be gather on its face, which is prime consideration to make out a case for offence under Section 307 of Indian Penal Code.

5. Learned APP appearing on behalf of the State submitted that during the course of investigation in paragraph no. 32, the statement of injured Mithu Kumar appears to be recorded, where injured Mithu Kumar specifically stated that it was the petitioner, who fired upon his chest causing fire arm injury during the course of occurrence, which made him senseless. It also appears corroborated with injury report of injured Mithu



Kumar.

6. In view of specific allegation against the petitioner as to fire upon the chest of injured Mithu Kumar, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Chandra Shekhar Jha, J)

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