

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84617 of 2023

Arising Out of PS. Case No.-270 Year-2019 Thana- CHHAURADANO District- East
Champanan

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Sandip @ Sanjit Kumar S/O Lal Babu Prasad R/O Village- Ekdari, P.S-
Chhauradano, Distt.- East Champanan, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Chhauradano P.S. Case No. 270 of 2019 registered for the offences punishable under Sections 307, 427/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the Court of learned S.D.J.M., Raxaul at Motihari, East Champanan.

3. As per the prosecution case, when the informant was walking at his door, the petitioner along with co-accused, Om Prakash, came on motorcycle. They fired from the revolver, but the informant saved himself and the bullet hit on Scorpio and, thereafter, both the persons fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that,



as per the allegation, the petitioner is driving the motorcycle and the co-accused fired upon the informant. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that specific overt act has been attributed against the petitioner. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that the petitioner has no criminal antecedent and there is no specific overt act against the petitioner.

(Anjani Kumar Sharan, J)

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