

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84647 of 2023

Arising Out of PS. Case No.-439 Year-2023 Thana- HARNAUT District- Nalanda

Mukesh Kumar Son of Sri arjun gop @ Arjun yadav Resident of village-
Ganjpar, P.s Harnaut,(O.P gokulpur) Dist- Nalanda (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Gupta

For the Opposite Party/s : Mr.Uday Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Harnaut P.S. Case No. 439 of 2023 registered for the
offence punishable under Sections-341, 323, 387, and 34 of the
Indian Penal Code and 27 of the Arms Act.

3. Prosecution case, in short, is that while one Yogendra
Sah demanded money as cost of the cigarette taken by the
accused persons, they started abusing and assaulting him. Firing
is also said to have been made in the occurrence.

4. It has been submitted on behalf of the petitioner
that the petitioner is innocent and has falsely been implicated in
the present case. As a matter of fact, no such occurrence as



alleged in the FIR, has taken place. There is no eye witness to the alleged incident as the FIR has been lodged on the basis of hearsay statement of the informant.

5. On the other hand, Shri J. N. Thakur, learned Additional Public Prosecutor has opposed the prayer for anticipatory bail and submitted that the petitioner has got six criminal antecedents.

6. Considering the above-mentioned facts and circumstances of the case, specifically the criminal antecedents of six cases, I am of the view that the petitioner does not deserve the privilege of anticipatory bail and accordingly, the same is rejected.

7. However, if the petitioner surrenders in the court blow and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Nawneet Kumar Pandey, J)

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