

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69767 of 2024

Arising Out of PS. Case No.-52 Year-2023 Thana- KARTAHA District- Vaishali

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Anitosh Raj @ Anitosh Kumar S/o Ranjeet Kumar R/o Village- Dhanaushi,
P.S.- Kartahan, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Shankar Prasad

For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 14-05-2025 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 Kartahan Police Station Case No. 52 of 2023, dated 22.08.2023, disclosing offences punishable under Sections 307/120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that on 21.08.2023, in the morning at 07:30 AM, while the informant was talking with some villagers at Ghataro Chowk, three persons came on a motorcycle and two persons sitting on the back of the motorcycle started firing upon the informant, and the bullets fired by them hit him near his waist and neck. The informant has



identified one person, who was firing upon him, as the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on suspicion inasmuch as the mother of the petitioner has lodged Kartahan Police Station Case No. 54 of 2021 for the murder of the brother of the petitioner against the informant and others. He further submits that the informant of this case has filed an application before the 4th Additional Chief Judicial Magistrate, Vaishali, at Hajipur, stating therein that on the disclosure made by the co-villagers, he has named the petitioner as the person who fired upon him, but later on, he came to know, on the basis of self investigation and seeing the CCTV installed near the place of occurrence, that the petitioner was not present at the place of occurrence and he also came to know that the petitioner had gone to Diara on his tractor on the alleged date of occurrence.
5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that there is direct allegation against the



petitioner for resorting to firing upon the informant.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is direct allegation of firing upon the informant against the petitioner, due to which the informant sustained gun shot injuries on his waist and neck and the offence is serious in nature, I am not inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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