

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78158 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- PANDARAK District- Patna

Chandan kumar S/o- Umesh Prasad Village- Rassulla Ps- Pandarak Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

Mr.Suraj Kumar

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-03-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the state.

2. The petitioner apprehends his arrest in connection with Pandarak P.S. Case No. 176 / 2024 dt. 15.07.2024 registered under Sections 191(2), 191(3), 126(2), 115(2), 109(1), 3(5) of the Bhartiya Nyaya Sanhita, 2023 & Section 27 of Arms Act.

3. As per the prosecution case on 05.07.2024 at about 6:30 AM when the informant was at his home, the petitioner along with twelve other F.I.R. named accused persons entered into the house of the informant and started assaulting. It has further been alleged that the petitioner took out a pistol and fired upon the informant which hit near his left thumb.



4. Mr. Manoj Kumar Pandey, learned counsel for the petitioner submits that the occurrence has taken place due to family dispute between the agnates and both the parties are agnates having land dispute. Though doctor has opined the injury caused by fire arm as grievous but it is not on the vital part of the body. Both the parties have compromised their dispute and has filed joint compromise petition before the concerned court. He further submits that a counter case has been lodged by the side of the petitioner bearing Pandarak PS Case No. 177 / 2024. The petitioner is a student aged about thirty years and preparing for competitive examination.

5. Learned counsel for the informant submits that both the parties have compromised their dispute.

6. Regard being had to the submission made by the parties, taking into consideration the fact that there is specific allegation against the petitioner that he fired upon the informant and the informant has sustained gun shot injury which is grievous in nature and Section 27 of the Arms Act has also been alleged in the F.I.R., accordingly, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

7. However, if the petitioner surrenders and seeks regular bail, it is expected that the court below shall consider the same



on its own merit without being prejudiced by the fact that the present anticipatory bail application has been rejected by this court.

(Anil Kumar Sinha, J)

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