

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85038 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- KHUSRUPUR District- Patna

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Brahm Singh @ Brahma Singh Son of Late Jagdev Singh Resident of Village-
Kohwan, P.S.- Daniyawan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar, Adv
For the Opposite Party/s	:	Dr. Indihar Kumari, APP
For the Informant	:	Mrs. Archana Sinha, Sr. Adv
	:	Ms. Komal, Adv
	:	Ms. Swarna Raj, Adv

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R. and

apprehending his arrest in connection with Khushrupur P.S.

Case No. 16 of 2023 registered for the offences punishable

under Section 302/34 of the Indian Penal Code and Section

27 of the Arms Act.

3. The allegation against the petitioner is to open

fire upon informant, which as per the narration of FIR failed to

hit him. It is further alleged that petitioner alongwith other 9-



10 co-accused persons opened indiscriminate firing out of which one Dhananjay Kumar son of the informant received bullet injury above his eye and died subsequently. Occurrence alleged to arise out of local political disputes.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated out of local political disputes and differences. It is submitted that in the first part of FIR allegation of firing is very much general and omnibus against this petitioner, whereas subsequently as an afterthought just to aggravate the allegation, this petitioner also alleged to open fire, which admittedly not hit the informant. It is submitted that occurrence is narrated wrongly that fifty rounds of firing was made as from the place of occurrence, only three empty cartridges were recovered. It is further submitted that deceased himself was man of criminal antecedent. As far petitioner is concerned he was also said to be involved in one criminal case of arms act, where he is on bail.

5. Learned APP duly assisted by Ms. Komal learned counsel appearing on behalf of the informant, while opposing



the prayer for anticipatory bail submitted that allegation to open fire and also to instigate main accused to open fire, which caused death of the son of the informant is available against this petitioner specifically. It is submitted that in the background of allegation as available through FIR itself, it is not a fit case for granting anticipatory bail, where petitioner is also having criminal antecedent.

6. In view of the facts and circumstances as mentioned above and by taking note of fact as allegation of instigation to open fire and as also petitioner opened fire upon informant, the prayer of anticipatory bail of the above named petitioner stands rejected herewith.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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