

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84915 of 2024

Arising Out of PS. Case No.-398 Year-2024 Thana- SARAIYA District- Muzaffarpur

1. Aman Kumar Son of Dindyal Ray @ Dindyal Resident of Village-Chainpur, P.S.- Deoria, Distt.- Muzaffarpur
2. Santosh Kumar @ Santosh Tiwari @ Santosh Kumar Tiwari Son of Kamal Dev Tiwari Resident of Village- Narahar Saray, P.S.- Karza, Distt.- Muzaffarpur
3. Rakesh Kumar Son of Surendra Ray Resident of Village- Narhar Saray, P.S.- Karza, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-01-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Saraiya Police Station Case No. 398 of 2024, dated 24.08.2024, disclosing offences punishable under Sections 109/317(1)/317(5)3(5) of the Bhartiya Nyaya Sanhita, 2023, Section 27 of the Arms Act and Section 37 of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that during night patrolling, the police, on secret information that some persons are coming with arms on



Scorpio vehicle, reached the place of occurrence and saw a Scorpio vehicle coming and signalled to stop, but they started firing upon the police personnel and tried to flee away. But on chase, the Scorpio vehicle met with an accident and 4-5 persons came down from the Scorpio vehicle and tried to flee away, but the police apprehended one of them, namely, Ranjan Kumar, in drunken condition, who disclosed the name of the other persons who succeeded in fleeing away as the petitioners and one Prince Kumar. The police recovered one bullet shell from the Scorpio vehicle.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated by the police on the basis of wrong information given by the arrested co-accused Ranjan Kumar, due to enmity. He further submits that the petitioners are not the owner of the vehicle in question and they were not present with the co-accused at the time of occurrence.
5. On the other hand, learned Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the accused persons, including the petitioners, fired upon the police personnel



and they were named by the arrested co-accused and one bullet shell was also recovered from the vehicle in question. He further submits that all the three petitioners have criminal antecedents also.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the allegation against the petitioners is firing upon the police personnel and they have got criminal antecedent also, I am not inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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