

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86028 of 2024

Arising Out of PS. Case No.-187 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Shivam Kumar @ Shivam Trivedi S/o Mithilesh Kumar Trivedi @ Mithilesh
Trivedi R/o Mohalla - Hatiagachi, P.S. and Distt.- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 16-01-2025 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Saharsa Sadar P.S. Case No. 187 of 2022, disclosing offences punishable under Section 341, 307 and 34 of Indian Penal Code and Section 27 of Arms Act.
3. As per the First Information Report, the allegation against the petitioner is that the petitioner, alongwith co-accused person, riding on a black coloured bullet motorcycle arrived and started abusing the informant and also fired upon the informant due to which the informant sustained two gun shot injuries.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to



previous enmity. He further submits that brother of the petitioner was previously killed by the brother of the informant for which F.I.R has been lodged bearing Saharsa P.S. Case No. 711 of 2019 registered against the brother of the informant. The aunt of the petitioner had filed a Sanha on 03.03.2022 against the informant stating that the informant and his family members may falsely implicate in other case. He also submits that there is inordinate delay of 7 days in lodging the F.I.R which shows that the F.I.R has been lodged with premeditated mind. During the course of investigation, the police has not found anything direct against the petitioner. The petitioner has got no criminal antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that from perusal of the First Information Report, it appears that there is specific and direct allegation against the petitioner of firing upon the informant due to which the informant sustained gun shot injury, which is evident from the injury report as discussed in the impugned order and during investigation, the supervising authority has found the case true against the petitioner, I am not inclined to exercise my discretion for grant of anticipatory bail.



6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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