

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41297 of 2014

Arising Out of PS.Case No. -134 Year- 2014 Thana -BARH District- PATNA

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1. Roshan Tiwari Son of Krishna Murari Tiwari Resident of Village Pachhiyari Malahi, P.S. Barh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 23-07-2015 The petitioner figured as accused in Barh P.S. Case No.134 of 2014 and the offences punishable under Sections 302 and 328 read with Section 34 of the Indian Penal Code are alleged.

Apprehending his arrest, the petitioner filed ABP No.204 of 2014 in the Court of Additional Sessions Judge-1st at Barh. The same was rejected on 20.08.2014. Hence, this application under Section 438 of the Code of Criminal Procedure.

Most of the arguments advanced by the learned counsel for the petitioner are on merits of the matter. Reference is also made to the case diary. This Court is not inclined to take the same into account at this stage. When a person died and an offence punishable under Section 302 of the Indian Penal Code is alleged against the petitioner, it is not at all advisable to grant

anticipatory bail. At the same time, if the petitioner surrenders and files the application for regular bail, the various aspects urged by him can be taken account.

This application is, accordingly, dismissed leaving it open to the petitioner to surrender before the concerned Court and move an application for regular bail.

(L. Narasimha Reddy, CJ)

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