

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44739 of 2015

Arising Out of PS.Case No. -440 Year- 2006 Thana -FORBESGANJ District- ARARIA

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Jawahar Paswan @ Jawahar Lal Paswan S/o Motilal Paswan, Village -
Palasi Mani, P.S. - Sikti, District - Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 13-10-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in
Forbesganj P.S. Case No. 440 of 2006 dated 03.12.2006
instituted under Section 393 of the Indian Penal Code.

The allegation against the petitioner and two
other named co-accused is that they had stopped the
motorcycle of the informant and forcibly tried to take away the
motorcycle and cash and upon cry raised, one co-accused
namely, Suresh Kumar Mandal, was caught and had named
the petitioner and another Md. Salamat as the persons who
had run away.

Learned counsel for the petitioner submits that



he was not caught at the spot and only on the statement of co-accused Suresh Kumar Mandal, he has been named in the F.I.R. It is submitted that during investigation, the police has found culpability of Lalan Paswan, Rajanand Paswan @ Rajanand Master, Ramesh Paswan and Vikky Paswan, in the crime and they had been enlarged on anticipatory bail by co-ordinate Benches of this Court.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that at the very first point of time when the accused Suresh Kumar Mandal was caught at the spot, he named the petitioner and another co-accused and thus for the present it cannot be disbelieved. It is further submitted that no cogent reason for false implication has come so as to indicate as to why the name of the petitioner would be taken by the co-accused immediately upon being caught while running away from the place of occurrence. It is also submitted that persons who have been granted anticipatory bail were not named in the F.I.R. which clearly gave the name of three persons and as per the allegation also there were three persons involved in the crime.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the application stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail, the Court below shall consider the same on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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