

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6983 of 2015

Arising Out of PS.Case No. -75 Year- 2014 Thana -DIDARGANJ District- PATNA

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1. Awadhesh Kumar @ Awadhesh Singh Son of Shiv Shankar Singh
Resident of Village Gyanchak, P.S. Didarganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit

For the Opposite Party/s Mr. Suresh Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 23.02.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Didarganj P. S. case no. 75/2014 registered under sections 341, 326,
307/34 of the IPC and 27 of the Arm Act.

There is specific allegation against the petitioner that he
opened fire causing fire arm injury to informant.

The contention on behalf of the petitioner is that the
petitioner is agnate of the informant and a partition suit is going on
between them. It is further contended by him that according to the
prosecution case itself, three unknown persons had covered their faces
at the time of alleged occurrence but it is surprisingly enough that the
petitioner being agnate of the informant did not cover his face at the
time of alleged occurrence and the aforesaid circumstance clearly goes
to show false implication of the petitioner in the alleged crime.

Considering the facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on anticipatory bail and accordingly, his prayer for anticipatory bail in connection with Didarganj P. S. case no. 75/2014 pending in the court of Sri Sanjay Kumar IV, Judicial Magistrate, Ist Class, Patnacity/concerned court stands rejected.

However, if the petitioner surrenders within six weeks from today and seeks regular bail, his regular bail application shall be considered on its own merit without being prejudiced by this rejection order, particularly, keeping in mind the submissions advanced before this court.

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(Hemant Kumar Srivastava,J)

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