

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20892 of 2015

Arising Out of PS.Case No. -163 Year- 2014 Thana -PHULWARIA District- BEGUSARAI

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1. Saheb Tiwari. S/o Amindar Tiwari. R/o Village - Shokhare-2, Tiwari Tola, P.S.- Phulwaria, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha

For the Opposite Party/s : Mr. Nand Kishor Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Phulwaria P.S.Case No. 163/2014 instituted under Sections 147, 148,149 and 302 of the Indian Penal Code, pending in the court of Sri Deo Priya Kumar, learned Judicial Magistrate, 1st Class , Begusarai.

The prosecution story, in brief, is that Kiran Devi, informant has alleged in her fardbeyan that today 24.10.2014 at 2 P.M. she came from Muzaffarpur to her house at Shokhara by train with son-in-law. Shatrughan Mishra, daughter, Arti Kumari and sister Janki Devi. After reaching home and changing the clothes, she was going towards old bus stand with her son-in-law, daughter and sister, then he saw in the way near the house of



Dhanraj Mahton that Jitendra Mishra alias Karu Mishra was playing gambling. She asked him why you have told that you would assault my son-in-law, then Karu Mishra replied the informant to leave the Mahala. She went to the shop of Narayan tea shop with her son-in-law, daughter and sister at bus stand, in the meantime, she saw that the accused persons named in the FIR including the petitioner run towards the informant armed with danda and pistol. Karu Mishra fired at her son-in-law with pistol, but it missed. Again Karu Mishra fired at her son-in-law with pistol which hit at the temple of her son-in-law, he fell down, he caught Karu Misha, there was scuffle between them. Karu Mishra was relieved from the clutch of informant and all the accused persons fled away. Her son in-law on way to Begusarai died. Karu Mishra is a criminal and he is indulged in bank loot and dacoity.

It has been submitted on behalf of the petitioner that no specific allegation of assault has been made against the petitioner nor any overt act has been alleged against him. Further it is submitted that the petitioner has falsely been implicated in the present case. It is also submitted that other co accused has been granted regular bail vide Cr. Misc. No. 7892 of 2015 by another bench of this Court.

On behalf of the State and the informant, it has been

submitted that it is a case for an offence under Section 302 IPC. Further it is submitted that the petitioner was present at the place of occurrence when the offence was being committed.

Considering the facts aforesaid I am not inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders in the court below within a period of six weeks in the court below and pray for regular bail, the same shall be considered by the court below without being prejudiced by this order of rejection, if possible same may be disposed of on the same day.

(Sudhir Singh, J)

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