

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54654 of 2015

Arising Out of PS.Case No. -62 Year- 1997 Thana -ANDER District- SIWAN

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Ramesh Kushwaha @ Ramesh Singh Kushwaha S/o Sitaram Singh
Kushwaha, resident of village- Baraso, P.S.- Mairwa, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Parmanand Prasad (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 02-12-2015

Heard learned counsels for the petitioner,

State and the informant.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 147,
148, 149, 324 and 307 of the Indian Penal Code. Subsequently,
sections 302 IPC and 27 of the Arms Act were also added.

The accusation is of resorting to fire by six
persons including the petitioner on the informant Shivjee Dubey,
who subsequently succumbed to the injury.

The date of occurrence is 07.06.1997. On
conclusion of the investigation final forms (charge-sheet) were
submitted against other co-accused persons on 05.09.1997 and
19.07.1999 but the petitioner was not sent up for trial. The case

was committed to the Court of Sessions vide Sessions Trial No.175 of 2015. An application was filed for issuance of warrant against the petitioner just before the Assembly Election when the petitioner was planning to contest the same and consequently differing with the final form cognizance has been taken.

It is submitted by learned counsel for the informant that now the cognizance has been taken and warrant of arrest has been issued.

On merits this Court is not inclined to consider the prayer for anticipatory bail since the FIR was registered in 1997 and petitioner is named accused. However, in view of the fact that the petitioner now been elected to Legislative Assembly and has to take oath he will not be arrested for a period of ten days from the date of receipt/production of a copy of this order in connection with Andar P.S. Case No. 62 of 1997 pending in the court of learned Chief Judicial Magistrate, Siwan but thereafter the petitioner will positively surrender and pray for regular bail.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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