

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5666 of 2016

Arising Out of PS.Case No. -175 Year- 2015 Thana -ASHTHWAN District- NALANDA
(BIHARSHARIFF)

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Shrawan Raut Son of Shiv Raut, Resident of village/Mohalla- Andi, P.S.-
Asthawan, District- Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad

For the Opposite Party/s : Mr. S.N.Shukla(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 19-02-2016 Sri Anil Dhaliwal Abhishek, learned counsel, intends
to file “Vakalatnama” on behalf of the informant. He may file it
in Registry.

Heard Sri Rajendra Prasad, learned senior counsel, who
was assisted by Sri Ritesh Kumar, learned counsel for the
petitioner, Sri S.N. Shukla, learned A.P.P. as well as Sri Anil
Dhaliwal Abhishek, learned counsel, who has voluntarily
appeared on behalf of the informant.

The petitioner apprehending his arrest in connection
with Asthawan P.S. Case No. 175 of 2015 registered for the
offence under Section 341, 323, 307, 379, 504, 34 of the

Indian Penal Code has prayed for grant of anticipatory bail.

Learned senior counsel for the petitioner submits that on perusal of the F.I.R. it is evident that there was no intention to murder. He further submits that in the F.I.R. it has been alleged that petitioner gave blow from the butt of the pistol on the head of the informant. He submits that had there been any intention to kill him, he would have fired which suggests that there was no intention to kill the informant and as such, no case under Section 307 of the I.P.C. is made out. He further submits that against one of the accused against whom there was allegation of snatching golden chain and some currency, he has been extended the privilege of anticipatory bail. Two accused persons have been extended the privilege of anticipatory bail. He has further argued that there is no distinction between anticipatory bail and regular bail and he has said that this principle has already been set at rest by the Hon'ble Apex Court. However, the court is of the opinion that if in the F.I.R. there is specific accusation against the accused, in such case normally anticipatory bail may not be entertained. Anticipatory bail is to be granted in case of apprehension. Meaning thereby, that if there is doubt only then such privilege should be granted.

Keeping in view the fact that there is specific

accusation against the petitioner of giving blow from the butt of the pistol, there is no reason to grant anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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