

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29738 of 2016

Arising Out of PS.Case No. -24 Year- 2016 Thana -CHIRAIYA District- EAST CHAMPARAN
(MOTIHARI)

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1. Kameshwar Paswan S/o Manejar Paswan Resident of Village- Khartari,
P.S. Chiraiya, District East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 20-12-2016

Heard both sides.

The petitioner apprehends his arrest in Chiraiya P.S.
case No. 24 of 2016 under Section 302, 201, 120B of the Indian
Penal Code.

The Chowkidar lodged the case against unknown
after recovery of dead body of an unknown person.

The learned counsel for the petitioner submits that
name of the petitioner figured in the case in the confessional
statement of co-accused, Banarsi Paswan, and it is disclosed that
petitioner and Subodh Paswan called the deceased, Santosh Jha,
and burnt him to death. It is submitted that Subodh Paswan has
already been granted anticipatory bail by a bench of this court vide



order dated 13.12.2016 passed in Cr. Misc. No. 38220 of 2016 but it appears that Banarsi Paswan disclosed in his confessional statement that it was the petitioner and Subodh Paswan who burnt the deceased to death after calling him on one pretext or the other. The offence is very serious in nature. Hence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., the learned S.D.J.M., Sikrahana at Dhaka, East Champaran in Chiraiya P.S. case No. 24 of 2016, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated accused has already been granted bail and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

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