

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41178 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Basant Paswan S/o Virbahadur Paswan All are Resident of Village-
Rampur Kodar, P.S. Kesariya, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 28-10-2016 Heard both sides.

The petitioner apprehends his arrest in Kesaria P.S.
case No. 81 of 2015 under Section 307,326 and other Sections of
the Indian Penal Code.

The informant alleged that on 15.04.2015, while he
was returning after harvesting wheat crops, Basant Paswan, the
petitioner, Shit Paswan and Bachchu Paswan surrounded the
informant and his two sons. Basant Paswan assaulted Chuman
Paswan, son of the informant, with Fasuli on his head which hit on
the left hand. Second blow was given on his left leg. His son fell
down on the ground. Other accused persons assaulted him and fled
away after snatching Rs. 10,000/-.

The learned counsel for the petitioner submits that the police after investigation submitted final form against the petitioner finding the case false and filed charge sheet against two other accused persons finding the case true against them. During the course of investigation, the I. O., relying upon the statement of the witnesses recorded in paragraph 28 and onwards of the case diary, accepted the plea of alibi of the petitioner and on that ground found the implication of the petitioner false but the learned Judicial Magistrate took cognizance against the petitioner also.

It appears that there is specific allegation against the petitioner that it was he who assaulted Chuman Paswan, son of the informant, and Chuman Paswan got grievous injuries. The plea of alibi is very weak and no cogent material is brought on record to accept the plea of alibi.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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