

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21842 of 2016

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Ambesh Kumar, son of Satyendra Paswan, resident of village- Itipu, P.S.-
Nagar Nausa, District- Nalanda Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 25-05-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Noor Sarai P.S. Case No. 228 of 2015 registered under
Sections 147, 148, 149, 341, 323, 504, 302, 448 of the Indian
Penal Code and 27 of the Arms Act.

It is submitted by the learned counsel for the
petitioner that the specific allegation of firing upon the deceased
is confined against co-accused Binesh Paswan and Umesh
Paswan and the petitioner is simply said to be member of an
unlawful assembly.

On the other hand, learned counsel for the State has

submitted that the fardbeyan of the informant would make it evident that all the accused persons including the petitioner came at the house of the deceased being variously armed with deadly weapon and co-accused Binesh Paswan and Umesh Paswan shot at the daughter of the informant Nishu Kumari, who died instantaneously.

Regard being had to the serious nature of allegation, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, the application preferred under Section 438 of the Code of Criminal Procedure is rejected.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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