

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49113 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Bipat Paswan @ Bipin Paswan, S/o Ram Chandra Paswan, Resident of
Village- Dhekaha Kat Kuiya, PS.- Mufassil, District- East Champaran at
Motihari.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-02-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 302, 364 and 120B of the Indian Penal
Code.

Allegation against the petitioner is that he took
Rs.60,000/- from the son of the informant but did not return.
There is also allegation that petitioner killed his (informant) son
and also gave threatening to him of dire consequence.

It is submitted on behalf of the petitioner that he has got
no criminal antecedent. From perusal of the F.I.R. it appears that
there is no eye witness to the alleged occurrence. There is no
specific overt act to suggest implication of this petitioner. The
deceased had gone along with the petitioner to Tamil Nadu to earn
his bread. From perusal of Annexures- 2 and 3 it is evident that
the deceased had died due to illness. A petition has been filed on
behalf of the informant in the court below where he has admitted
that the case was instituted due to mistake of fact.

On behalf of the State, it is submitted that petitioner is

named in the F.I.R. and the motive is also alleged against him for committing the crime.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner, same is rejected.

Any how, the petitioner is directed to surrender in the court below, i.e., S.D.J.M., Sadar, Motihari, East Champaran, in connection with Motihari Mufassil P. S. Case no. 98 of 2015 within a period of six weeks from the date of receipt of a copy of this order and pray for regular bail which shall be considered and disposed of taking into account the submissions made on behalf of the petitioner preferably on the same day without being prejudiced by this order.

(Sudhir Singh, J)

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