

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43581 of 2016

Arising Out of PS.Case No. -144 Year- 2005 Thana -TEKARI District- GAYA

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Devendra Paswan, Son of Sakal Paswan, Resident of Village- Jamuara Tola,
Joganipur, P.S.- Tekari, District Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashish, Advocate.

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 18-10-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Tekari P.S. Case No. 144 of 2005 registered under Sections
341, 324, 326 and 307/34 of the Indian Penal Code pending in the
court of J.M. Ist Class, Gaya.

The allegation of informant, Barhu Yadav, is that, on
13.07.2005, he being the Choukidar of Bihar State Food
Corporation was on duty at Tekari Godown. At 10 P.M., in the
night, six persons named in the F.I.R. including the petitioner
came there and asked to give the key of Godown but the informant
refused saying that the key is with the Manager of the Godown, on
which, all accused persons started to scuffle with him. Co-
accused, Satendra Paswan, told him that if key would not be

handed over then he would burn his body by ACID, in spite of that he did not give the key of the Godown. Thereafter, they poured acid on the body of informant.

Learned counsel for the petitioner submits while the petitioner is named in the F.I.R. along with five others but, on investigation, the police submitted final form against the petitioner showing that he is innocent and the charge sheet has been submitted against rest of the accused persons but the learned Magistrate on perusal of the material available in the case diary took the cognizance of offence against this petitioner also.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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