

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39633 of 2015

Arising Out of PS.Case No. -64 Year- 2014 Thana -HABIBPUR District- BHAGALPUR

Fulchand Paswan S/o Ganauri Paswan Resident of Village Daudwar, Police Station Habibpur, District Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.52275 of 2015

Arising Out of PS.Case No. -64 Year- 2014 Thana -HABIBPUR District- BHAGALPUR

Lakhan Paswan @ Ram Lakhan Paswan, son of Late Jadesh Paswan @ Jagdish Paswan residents of village- Daudbat, P.S.- Habibpur, District- Bhagalpur, permanent resident of Amaiya, P.S.- Tarapur, District- Munger, presently posted as Constable No.13, New Police Line, Bhojpur (Ara).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.39633 of 2015)

For the Petitioner : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party : Mr. Md. Aslam Ansari, APP

(In Cr.Misc. No.52275 of 2015)

For the Petitioner : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-02-2016 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are apprehending their arrest in connection with Habibpur P.S. Case No. 64 of 2014 pending in the Court of Judicial Magistrate, Ist Class, Bhagalpur, for the offences

instituted under Sections 147, 148, 149, 342, 323, 337, 338, 379, 307 and 427 of the Indian Penal Code.

As per the prosecution case, it appears that on the alleged date of occurrence the petitioners along with other co-accused persons named in the FIR with an intent to kill the informant brutally assaulted him, damaged his vehicle and also forcibly committed theft of mobile phone and ornaments from the possession of the informant. It is further alleged that they opened fire to terrorise the persons of the locality.

It is submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. General and omnibus allegation has been made against the petitioners. Due to accident of a minor girl on the road, the villagers had come there and made protest. Petitioners have been made accused due to mistake of fact. From perusal of the injury report, it would appear that the injuries are simple in nature, hence no offence under Section 307 Indian Penal Code is made out.

On behalf of the State, it has been submitted that the petitioners have actively participated in the alleged occurrence and they are named in the FIR.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioners

on anticipatory bail, the same is rejected.

Anyhow, if the petitioners surrender in the court below within a period of four weeks and pray for regular bail, the same shall be considered on its own merit without being prejudiced by this order and, if possible, disposed of on the same day.

(Sudhir Singh, J)

B.Kr./-

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