

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4844 of 2017

Arising Out of PS.Case No. -97 Year- 2008 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

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1. Kuar Singh, Son of Kalam Singh, Resident of Village- Kailong, District-
Tehri Garhwal, State- Uttarkhand.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-03-2017 The petitioner is apprehending his arrest in connection
with Chauradano (Mahuawa) P.S. Case No. 97 of 2008, registered
for offences punishable under Sections 302/34 of Indian Penal
Code.

It has been submitted on behalf of the petitioner that
petitioner has not been named in the F.I.R. Petitioner only happens
to be one of the officials of SSB, who along with raiding party
raided the place of occurrence and found that some miscreants
with a view to smuggle were going along with six bullock carts
from India to Nepal but when they tried to stopped them, the
miscreants assaulted the raiding party, in which firing took place
from both sides and in the said firing one person, namely, Bhairo
Lal Pd. died on the spot. However, petitioner has nothing to do
with the said offence as he himself sustained injuries and his



carbine was also snatched away. It has further been submitted that the petitioner after retirement is living in his native place and due to which he could not know about the warrant issued against him.

Heard learned A.P.P. also.

Having heard both sides, from perusal of the records, it appears that the case is of year 2008 and the petitioner has prayed for grant of anticipatory bail in the year 2017, as such, I am not inclined to grant the petitioner the privilege of anticipatory bail, it is, accordingly, rejected.

However, if the petitioner surrenders before the court below and pray for regular bail, his application shall be considered by the court below on the merit of the case as well as considering the fact that he himself had received injuries in the occurrence while as SSB raiding party member, he raided the informant party and the learned court below shall also verify the fact as to whether the warrant was issued against the petitioner on his present place of posting or not, shall pass an appropriate order, without being prejudiced by the order of this Court.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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