

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11285 of 2017

Arising Out of PS.Case No. -246 Year- 2016 Thana -HAJIPUR SADAR District- VAISHALI
(HAJIPUR)

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Basant Paswan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 03-04-2017

Heard both sides.

The petitioner apprehends his arrest in Hajipur Sadar
P.S. case No. 246 of 2016 under Section 379, 511, 427 of the
Indian Penal Code.

The informant alleged that he kept his luggage in the
rear side of the auto rickshaw but some of the accused persons
started cutting the bag. On alarm, three persons were apprehended
and three persons managed to flee away.

The learned counsel for the petitioner submits that
petitioner was not apprehended on the spot and his name figured
in the case on the disclosure made by the apprehended accused.
Saroj Paswan has got enmity with the petitioner and the petitioner
filed a petition before the Chief Judicial Magistrate apprehending
his false implication at the instance of Saroj Paswan. It is further



submitted that similarly situated accused have already been granted anticipatory bail vide order dated 07.03.2017 passed in Cr. Misc. No. 3708 of 2017. The case of petitioner stands on the same footing.

Of course, the case of petitioner stands on the same footing as that of Sudhir Kumar @ Gorakh Rai and others, who have been granted anticipatory bail vide order passed in Cr. Misc. No. 3708 of 2017, but the petitioner has got criminal antecedent and he is accused in two other cases of similar nature.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., learned Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Sadar P.S. case No. 246 of 2016, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated accused have been granted either anticipatory or regular bail.

(Prabhat Kumar Jha, J)

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