

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1268 of 2017

Arising Out of PS.Case No. -81 Year- 2002 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Bishambar Sah S/o Bhikhari Sah Resident of Village- Dharampur , P.S.
Sugauli, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 26-04-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Sugauli Police Station Case No. 81 of 2002/G.R. No.
1078 of 2002, disclosing offences under Sections 302/34 of the
Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner has submitted that
petitioner, who is of clean antecedent, is innocent and has not
committed any offence. In fact, earlier the petitioner for illegal
demand of levy by the informant's father, who is said to be a
member of unlawful assembly, had filed a case against him.
Therefore, when the informant's father was killed, the petitioner
has falsely been implicated in this case due to earlier dispute.



Though there direct allegation of firing against the petitioner, but there is eye witness to the alleged occurrence. Hence, the petitioner deserves the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail and submitted that there is direct allegation of firing on the chest of the deceased against the petitioner.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of this petitioner is rejected.

(Arvind Srivastava, J)

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