

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7111 of 2017

Arising Out of PS.Case No. -135 Year- 2016 Thana -KHARAGPUR District- MUNGER

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Ganauri Paswan @ Ajay Paswan, Son of Late Huro Paswan, resident of
Village - Jobayad, P.S. - Shampur (Kharagpur), District - Munger.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Kumar Sinha, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Tiwary 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Kharagpur (Shampur) P.S. Case No. 135 of 2016 for the
offences instituted under Sections 341, 307, 504/34 of the IPC and
27 of the Arms Act.

The prosecution story, in brief, is that on 29.07.2016 at
about 6.00 P.M., in the evening, the informant and Bablu Paswan
was gossiping out side of his house, on road. In the meantime, all
the FIR named accused persons including the petitioner armed
with pistol came and started abusing. It is further alleged that on
the allegation of Manju Devi, this petitioner fired on the informant
with country made pistol and sustained injury. On hearing sound



of firing, the nearby people ran there and on seeing them, the accused persons fled away, the cause of occurrence is some times before there was dispute with this petitioner hence, he committed such offence.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The allegation made in the FIR is denied by this petitioner. Regarding the nature of injury, no final opinion has been received from the doctor. Prior to institution of the present case, a case was filed by the petitioner in which he was injured by the informant's side. Because of previous enmity, he has been implicated in the present case. The witnesses, in course of investigation, have given contradictory statements.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. There are six cases pending against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Kharagpur(Shampur) P.S. Case No. 135 of 2016, pending in the court of learned C.J.M. Munger. Anyhow, if the petitioner surrenders in the court below, the same



shall be considered on its own merit without being prejudiced by
the order of this Court.

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(Sudhir Singh, J)

