

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21551 of 2017

Arising Out of PS.Case No. -656 Year- 2016 Thana -SAHARSA District- SAHARSA

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Mithilesh Paswan @ Mithilesh Kumar son of Dular Chandra Paswan
resident of Village - Kabira, P.S. - Salkhua (Chiraih O.P.), District -
Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Aditya Prakash Sahay, Advocate
For the Opposite Party/s : Sri Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Sadar (Saharsa) P. S. Case No. 656 of 2016 registered
under Sections 341, 504, 307, 326/34 of the Indian Penal Code
and 27 of the Arms Act.

It is alleged in the FIR that on the orders of the
petitioner, co-accused Hare Ram Pandey opened fire causing
injury on the jaw of the informant and, thereafter, co-accused
Vinod Yadav also opened fire aiming the informant.

It is contended by the learned counsel for the
petitioner that the petitioner is a school teacher and he has



falsely been implicated in this case. It further contended that co-accused Vinod Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 16.02.2017 passed in CWJC No. 2288 of 2017.

On the other hand, learned counsel for the State submitted that the case has been registered *inter alia* under Sections 307 and 326 of the Indian Penal Code. The offences are serious in nature and the statement of the victim was recorded in ICU of the hospital.

I have heard learned counsel for the parties and considered the submissions made before the Court.

Regard being had to the serious nature of allegation, having due respect to the order dated 16.02.2017 passed in Cr. Misc. No. 2288 of 2017, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail is rejected.

However, in case the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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