

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22700 of 2017

Arising Out of PS.Case No. -498 Year- 2014 Thana -ARA NAWADA District- BHOJPUR

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Mohit Kumar, Son of Shri Mithilesh Kumar Tiwari, Resident of Mohalla-
Gas Agency, P.S. Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan

For the Opposite Party/s : Mr. Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 21-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest
in connection with Ara Nawada P.S. Case No. 498 of 2014
registered for offences under sections 147, 148, 149, 341, 342,
323, 325, 307, 302 of the Indian Penal Code and Section 27 of the
Arms Act.

There are altogether two cases, namely, Nawada P.S.
case No. 497 of 2014 and Nawada P.S. Case No. 498 of 2014. In
the Nawada P.S. case No. 497 of 2014, it has been mentioned that
the accused persons have entered into the house and created
rampage and damaged the property including the car standing
outside the house and named altogether seven persons as accused.



Later on, another case, Nawada P.S. Case No. 498 of 2014 was lodged, therein, it has been alleged that other accused persons including the petitioner have gone there and started chaos, the victim went there to pacify the situation but, the accused persons have assaulted the victim mercilessly which led to his death.

Learned counsel for the petitioner has submitted that the petitioner was not there. As law abiding citizen, he had surrendered before the court but the court below did not take the petitioner under custody. The paragraph nos. 10 & 11 of the present application reads as follows:-

“10. That none have disclosed the name of this petitioner but investigating officer was in search of this petitioner. Therefore he himself surrendered before the court of Learned C.J.M. Ara dated 23.01.2017. Who shows his inability to take in custody as not a full description of this petitioner has been disclosed in above noted case of the petitioner. Therefore he has release in above noted case.

11. That petitioner is an innocent person and also respectful person of the society has not been named by any of the witnesses rather he is being tried to involve in this case by the police officials of Nawada Police Station.”

In paragraph nos. 10 and 11, quoted above, it has been specifically mentioned that the petitioner had gone to surrender on 23.1.2017 but, he was not taken into custody on the



account of the fact that there was some miss-description in the name of the petitioner as also with regard to his parentage and refused to take the petitioner in judicial custody. In that view of the matter, it appears that there is no apprehension of arrest to the petitioner.

In view of the above, this Court is not inclined to exercise its power of granting anticipatory bail to the petitioner.

Accordingly, this application is dismissed.

(Shivaji Pandey, J)

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