

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28837 of 2017

Arising Out of PS.Case No. -181 Year- 2015 Thana -KISHANGANJ District- KISHANGANJ

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Mukesh Kumar Son of Sita Ram Paswan, Resident of Near Saint Child School
Ruidhasa, Police Station- Kishanganj, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate
For the State : Ms. Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-08-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Kishanganj P.S.
Case No. 181 of 2015 dated 24.05.2015 instituted under Sections
341/323/324/325/307/379/34 of the Indian Penal Code.

3. The allegation against the petitioner and three
others is of being party to stopping the informant and assault, though
the specific overt act is alleged against other co-accused.

4. Learned counsel for the petitioner submitted that
there is no specific overt act alleged against the petitioner and that
he has clean antecedent. It was further submitted that the informant
has also later on affirmed an affidavit saying that the petitioner was
not involved in the incident and wrongly his name had been



mentioned in the *fardbeyan*.

5. Learned A.P.P. submitted that this is a case of blatant highhandedness where the petitioner, along with three others, tried to take revenge from the informant on the basis of sheer force of strength and such incidents are now becoming common every day and thus, should not be condoned.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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