

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1665 of 2017

Arising Out of PS.Case No. -16 Year- 2015 Thana -DUMARIA District- GAYA

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1. Sunil Paswan S/o Yogeshwar Paswan
 2. Anil Paswan, S/o Yogeshwar Paswan
 3. Vikash Paswan, S/o Mungeshwar Paswan
 4. Binod Rikiyasan @ Binod Rakiyasan S/o Bandhu Rikiyasan.
 5. Naresh Rikiyasan, S/o Triloki Rikiyasan.
 6. Ram Swaroop Rikiyasan, S/o Judagar Rikiyasan,
 7. Ranjeet Kumar, S/o Dilchand Rikiyasan. All Resident of Village-Salaiya, P.S.-Dumariya, District-Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 22-02-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Dumariya P.S. Case No. 16 of 2015 for the offences punishable under sections 302 and 201/34 of the I.P.C.

Allegedly, Shankar Paswan, father of the informant, went to watch Gram crops but he did not return and thereafter his dead body was found in the chamber of closed brick kiln, his head was cut off. It is alleged that father of the informant used to practice *Jhar-Fook* and for that the accused persons have caused threats to kill him before Holi and accordingly the accused persons



(petitioners) killed him.

Submission is of false implication and that besides suspicion there is nothing against the petitioners, during investigation besides suspicion nothing has come, there is no witness of the actual killing, the independent witnesses have stated as to how the deceased was killed they do not know and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. submits that the witnesses vide paragraphs- 8, 9 and 10 and further paragraph-14 have stated regarding hands of the petitioners as they have caused threats earlier.

In the facts and circumstances as stated above, considering the materials available in the case diary against the petitioners, I am not inclined to grant privilege of pre-arrest bail to the petitioners and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of S.D.J.M. Sherghati, Gaya.

However, in case and if so advised, the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered on its own merits without being prejudiced by this order preferably on the same day.

(Jitendra Mohan Sharma, J)

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