

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54260 of 2017

Arising Out of PS.Case No. -480 Year- 2008 Thana -SHEKHPURA District- SEKHPURA

=====

1. Uday Paswan Son of Bideshi Paswan resident of village Nemdarganj,
P.S. and District Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-02-2018

Heard learned counsel for the petitioners and the State.

The petitioner apprehends arrest in Sheikhpura P.S. Case No. 480 of 2008, G.R. No. 115 of 2008 instituted for the offence under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged in the written report that the petitioner opened fire which hit on the chest of nephew of the informant, who died on the spot.

The counsel for the petitioner has submitted that police after investigation submitted final form, showing the petitioner innocent and charge-sheet was submitted against co-accused Naresh Yadav. The court below took cognizance against the charge-sheeted accused. The charge-sheeted accused moved before this Court for quashing of cognizance order. The order of cognizance was quashed by this Court and the matter was remitted back to the court of learned Chief Judicial



Magistrate to pass fresh order. Thereafter, the court below vide order dated 14.6.2017, took cognizance against the petitioner.

Learned counsel for the petitioner further submitted that this is case of year 2008 and police had earlier submitted final form.

Learned Sessions Judge has mentioned in the impugned order that there is direct allegation against this petitioner of causing fire arm injury on the chest of the nephew of informant. The informant in para-5 of the case diary and witness Rajendra paswan in para-6 of the case diary have supported the allegation of firing against the petitioner. It is apparent from the FIR itself that the petitioner is main assailant.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for bail is rejected.

Petition is dismissed accordingly.

(Sanjay Priya, J)

sushma/-

U		T	
---	--	---	--

