

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26032 of 2018

Arising Out of PS.Case No. -53 Year- 2018 Thana -DIGHWARA District- SARAN

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1. Anil Paswan, S/o Hulash Ram, resident of Village- Basantpur, P.S.-
Dighwara, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 04-05-2018

Heard both sides.

The petitioner apprehends his arrest in Dighwara
P.S. case No. 53 of 2018 for the offences punishable under Section
307 and other minor Sections of the Indian Penal Code.

The learned counsel for the petitioner submits that
18 persons are named in the FIR including the petitioner that they,
along with some unknown persons, are alleged to have run amok
and started pelting stones and bricks on the police force. The
petitioner is alleged to have assaulted one Home Guard, Sushil
Tiwari, with sword but Sushil Tiwari warded off the blow on his
hand and got injuries on his left hand. It is submitted that injury is
simple in nature and other persons have already been granted
anticipatory bail but the prayer of petitioner was rejected by the



learned Additional Sessions Judge only because there is specific allegation against the petitioner.

Considering the nature of allegation made against the petitioner that he assaulted one Home Guard with sword, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., Sri Sunil Kumar, learned Judicial Magistrate, 1st class, Saran at Chapra in Dighwara P.S. case No. 53 of 2018, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that on account of assault made by the petitioner simple injury is caused to one Home Guard.

(Prabhat Kumar Jha, J)

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