

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58434 of 2018

Arising Out of PS.Case No. -26 Year- 2018 Thana -CHAUTHAM District- KHAGARIA

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Saurabh Kumar, S/o Umesh Paswan, R/o Vill.- Saraiya, P.S.- Chautham,
District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate.

For the Opposite Party : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 341, 342, 323, 307,
379, 504 and 506 of the IPC. Later on, Section 302 of the IPC was
also added.

The prosecution story, in brief, is that on 16.12.2018
at 6.00 P.M. an altercation took place in between Buneshwar
Paswan and Sikandar Paswan wherein the son of the informant,
namely, Randheer Kumar went to pacify the matter over which all
accused persons including the petitioner caught him and
indiscriminately assaulted him on his head repeatedly with
Bamboo piece and when Pardeshi Paswan came to rescue, they



assaulted on his head with Bamboo piece as a result of which, he fell down. Thereafter, they fled away. The injured were admitted in hospital. Petitioner took out Rs. 4500/- and gold chain of son of the informant.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to previous enmity. General and omnibus allegation has been made against the petitioner. No specific injury is attributed against accused persons named in the F.I.R. including the petitioner. Other co-accused has already been granted regular bail by Co-ordinate Bench of this Court vide Cr. Misc. No. 50549 of 2018 order dated 30.08.2018.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. There are six injuries have been indicated in the postmortem report of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Chautham P.S. Case No. 26/2018, G.R. No. 394 of 2018, pending in the court of learned



J.M. Ist Cass, Khagaria.

Anyhow, if the petitioner surrenders and prays for regular bail in the learned court below, the same shall be considered and disposed of on its own merit without being prejudiced by this order of the Court taking into account that other co-accused has already been granted regular bail by another Co-ordinate Bench of this Court.

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(Sudhir Singh, J)

