

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47035 of 2018

Arising Out of PS.Case No. -88 Year- 2018 Thana -PAKARIBARAW District- NAWADA

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1. Vikash Kumar @ Vinay Kumar son of Awadh Kishore Prasad resident of village - Noawan, P.S. Asthawan, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Adv.
Mr. Nilesh Kuamr,
Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 30-08-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Pakaribarawan P.S.Case No.88 of 2018 dated 30.4.2018 registered for offences punishable under Sections 302/34 of the Indian Penal Code.

Allegation against the petitioner is of firing on the deceased causing death during the orchestra dance.

Submission of the learned counsel for the petitioner is that falsity of the prosecution will appear from the fact that the allegation against Vivek Kumar was that he caught hold the deceased and the petitioner fired and Vivek Kumar has been let off by the police and finding is that he was not present at the place



of occurrence, secondly, the deceased was not taken to the hospital for treatment and further submission is that the deceased has received injuries and it may be possible that from the *Barat* someone would have fired causing injury to him and the petitioner has been falsely implicated in this case.

Heard learned A.P.P. , who has opposed the prayer for bail and attention has been drawn towards some paragraph of the case diary, which clearly shows that the petitioner has fired.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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