

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17713 of 2019

Arising Out of PS. Case No.-315 Year-2018 Thana- BIHARSHARIF District- Nalanda

1. Satish Paswan @ Satish Kumar, son of Manik Paswan Resident of Village - Kalyanpur, P.S.- Deep Nagar, Distt.- Nalanda.
2. Satyendra Paswan @ gauna Paswan @ Satyendra Kumar, Son of Late Pramod Paswan Resident of Village - Kalyanpur, P.S.- Deep Nagar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Baljit Singh
For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Bihar P.S. Case No.315 of 2018 for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

The allegation as per First Information Report is that informant on the date of occurrence was going with his brother Diwakar Kumar (deceased) to see his Mausi and while they were returning on two separate motorcycle, the motorcycle of the deceased, Diwakar Kumar, was intercepted by a man coming from the opposite direction of the motorcycle who fired



upon the brother of the informant, resulting in his death. It has further been stated that when the informant rushed towards his brother, two persons riding on a motorcycle fired on him but he escaped from the firing. The further statement in the First Information Report is that the local people caught one miscreant, namely, Ranjeet Kumar Singh, from the spot after chase and handed over to him to the police and another three unknown miscreants fled away from the place of occurrence.

Learned counsel, Mr. Abhay Kumar Singh, appearing for the petitioners submits that petitioners are innocent and are not named in the First Information Report. He further submits that the name of the petitioners transpired on the basis of confessional statement of the arrested person who disclosed the name of these petitioners and except that there is no material to show any complicity of the petitioners in this crime.

On the other hand, learned counsel for the informant and State submits that the person who was caught from the spot has explained vividly the chain of events in which the arrested person has disclosed the name of these petitioners as one of the assailant and custodial interrogation by the police is required in order to fully investigating the crime.

After having heard learned counsel for the petitioners



as well as learned counsel appearing on behalf of the State and taking into consideration the fact that person who was caught from the spot has explained the incident and has taken the name of these petitioners as the assailant, I am not inclined to grant anticipatory bail to these petitioners and the same is hereby rejected.

(Anil Kumar Sinha, J)

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