

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21774 of 2019

Arising Out of PS. Case No.-264 Year-2018 Thana- ALAMNAGAR District- Madhepura

1. RAHUL PASWAN Son of Dayanand Paswan, Resident of Village- Bajraha, P.S. Alamnagar, District Madhepura.
2. Dinbandhu Paswas @ Dinbandhu Paswan Son of Dayanand Paswan, Resident of Village- Bajraha, P.S. Alamnagar, District Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 18-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302/34 IPC and Section 27 of the Arms Act registered in connection with Alamnagar P.S. Case No. 264 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of an earlier FIR in Alamnagar P.S. Case No. 40 of 2016 lodged by the mother of the petitioners against the informant and others. It is further submitted that the accusation of firing is general and omnibus against the petitioners and specific accusation of firing is against other accused persons for firing upon the informant and his grandson.

4. Learned APP assisted by learned counsel for the informant appear and opposes the anticipatory bail petition submitting that the accusations are serious in nature and the firing by the accused persons has resulted in the death of a



minor boy of about eight years after sustaining injury caused by fire arm. It is submitted that the petitioners are FIR named accused and there is allegation that all accused persons came armed with weapon and started indiscriminate firing at the informant and his grandson. Learned APP refers to para 4 of the case diary from which it transpires that the petitioner no. 1 was riding on motorcycle and obstructed the motorcycle of the informant. The petitioners are accused in one prior case, being Alamnagar P.S. Case No. 41 of 2016, in which they are on bail.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

6. If the petitioners surrender and seek regular bail before the learned Court below the same shall be considered on its own merit in accordance with law, without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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