

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31827 of 2019

Arising Out of PS. Case No.-515 Year-2018 Thana- CHANPATIA District- West Champaran

Diwakar Pathak @ Diwakar Kumar, Male, aged about 23 years, Son of Nityanand Pathak, Resident of Village-Chuhari (Pathaktola), P.S.- Chanpatia, District -West Chanparan at Bettiah.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Dr. Amrendra Kumar, Ms. Sanjana, Advocates
For the State	:	Mr. J.K. Singh, APP
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-05-2019 Heard learned counsel for the petitioner and learned APP for the State assisted by learned counsel for the informant.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 342, 323, 307, 387, 504 and 506/34 of the Indian Penal Code registered in connection with Chanpatia P.S. Case No. 515 of 2018. Subsequently, Sections 302 and 120(B) of the IPC have been added.

3. It is submitted that the petitioner has been falsely implicated and the thrust of accusation of firing upon the informant's father is upon co-accused Vinay Pathak. The petitioner along with co-accused Navin Barnwal are merely said to be order givers. The occurrence is said to have taken place on 17.12.2018 whereas the father of the informant died on 31.12.2018 but no statement was made by him during that period. The FIR has been instituted in the backdrop of representations made in the past by the aforesaid co-accused Vinay Pathak against the informant's father alleging realization of surplus amount at the time of filling up the examination forms of matriculation. The petitioner claims clean



antecedents.

4. Learned APP assisted by learned counsel for the informant appearing suo motu opposes the anticipatory bail petition, submitting that from perusal of the FIR itself it appears that the petitioner along with co-accused Navin Barnwal started dragging the informant's father off his motor-cycle and thereafter he was shot by co-accused Vinay Pathak leading to his death. It is therefore submitted that the petitioner and other co-accused prevented the deceased from fleeing away and specific overt act has been alleged against them.

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

(Vikash Jain, J)

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