

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68545 of 2018

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

Raushan Kumar Son of Ravindra Sao, Resident of Mohalla- Khairabad Mahalpar, P.S.- Bihar Sharif, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Pramod Kumar Sinha, Advocate
For the State : Mr. Arbind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-01-2019 Counsel for the petitioner is permitted to make necessary correction in paragraph 3 of the main petition in course of the day, in the light of the statement made in the supplementary affidavit.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

The petitioner is apprehending his arrest in connection with Bihar P.S. case No.315 of 2018 registered under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act, pending in the court of C.J.M., Nalanda at Bihar Sharif.

The prosecution case, in short, is that on 6.7.2018, the informant and his brother went to Bihar Railway Station and while they were returning from there on separate motorcycle, in the way a man came on motorcycle and fired at Diwakar, who



fell down on the ground and further two persons fired at the informant but he any how escaped. The informant went to his brother and found him dead.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. None of the witnesses have stated in respect of participation made by the petitioner. The main allegation of firing is alleged against co-accused Satish Paswan.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is not named in the F.I.R. His name has come in course of investigation. Co-accused, namely, Rajanikant Kumar Singh was apprehended by the public after the accused persons had committed murder of the deceased. The said co-accused in his confessional statement has disclosed that the petitioner had paid money for committing the murder of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and



prays for regular bail, same shall be considered on its own merit
without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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