

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61723 of 2018

Arising Out of PS. Case No.-480 Year-2017 Thana- RUPASPUR District- Patna

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Avinash Kumar, son of Mahendra Rai, Resident of Village- South Mandiri,
Hathua Pathsala, P.S.- Budha Colony, District- Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Surendra Kumar Mishra, Advocate
For the State	:	Mr. J.N. Thakur, APP
For the Informant	:	Mr. Dheeraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 26-02-2019 Heard learned senior counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302, 34 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Rupaspur P.S. Case No. 480 of 2017.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact, the petitioner himself suffered bullet injury and for which he was admitted in Sahara Sandhya Hospital on 16.12.2017 and discharged on 25.12.2017. It is submitted that some unknown persons had fired in which the petitioner along with Dharmendra Kumar (deceased) and co-accused Abhishek Kumar were also injured.

4. Learned APP assisted by learned counsel for the informant opposes the prayer for anticipatory bail. Reference has been invited to several paragraphs of the case diary including paragraphs 33 and 45 containing the statements of the petitioner and co-accused Abhishek Kumar, respectively, according to which the



said two persons were accompanying the deceased on the motor-cycle at the time of occurrence.

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.

6. Considering the submission of the petitioner that co-accused Yogendra Kumar @ Yogendra Rai has been granted regular bail by a coordinate Bench of this Court vide order dated 02.05.2018 passed in Cr. Misc. No. 26045 of 2018, in case the petitioner surrenders and seeks regular bail before the learned trial Court, the same shall be considered on its own merit in accordance with law and without being prejudiced by any observation in the present order.

7. Pursuant to the order dated 11.12.2018, a show cause has been filed by the Senior Superintendent of Police, Patna. It is submitted that immediately upon receipt of the order of this Court dated 11.12.2018, action was taken in this regard and a carbon/xerox copy of the case diary of Rupaspur P. S. Case No. 480 of 2017 has been sent to this Court vide office Memo No. 01/2019 dated 01.01.2019. The Investigating Officer of the case has been punished with censure in his service-book with warning for future. As regards time frame for completion of investigation, it is submitted that supplementary investigation of the case is continuing and is likely to be concluded within two months.

8. Having regard to the averments made in the show cause, the same is accepted.

BT/Chandran

(Vikash Jain, J)

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