

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67798 of 2018

Arising Out of PS. Case No.-654 Year-2017 Thana- FORBESGANJ District- Araria

Deepak Tatma @ Deepak Kumar S/o Narayan Tatma, R/o Village-
Lahsunganj, P.S.- Forbesganj Simraha, District- Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Kumar Ravish, Mr. Sanjay Kumar Sharma, Advocates
For the Opposite Party	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 06-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 302/34 of the Indian Penal Code registered in connection with Forbesganj (Simraha) P.S. Case No. 654 of 2017.

3. It is submitted that the petitioner has been falsely implicated and the accusations are manifestly unreliable. The informant claims himself to be eye-witness to the occurrence, who arrived at the spot based on the information given to him by Arjun Paswan. In turn, the said Arjun Paswan in his deposition recorded under Section 164 of the Cr.P.C. has clearly stated that he arrived at the spot and was told by the injured (later deceased) that Narayan Tatma, Vidyanand Paswan etc. have committed assault upon him. It is, therefore, submitted that the accused persons had already left the spot when said Arjun Paswan reached there and there was no question of the informant and others being eye-witnesses to the occurrence who reached at the spot later on. The accusations of assault against as many as all the persons belonging to the family members of co-accused Narayan Tatma and Vidyanand Paswan are



general and omnibus in nature. The petitioner claims clean antecedents.

4. Learned APP submits on the basis of paragraph 83 of the case diary that processes under Sections 82 and 83 of the Cr.P.C. have already been concluded. He refers to paragraph 91 of the case diary to submit that charge sheet has already been submitted on 12.09.2018 showing the petitioner being absconder.

5. In the above circumstances, in view of the petitioner having been declared absconder, the anticipatory bail petition is dismissed as not maintainable. However, having regard to the submissions of the petitioner, if he surrenders and seeks regular bail before the learned trial Court, the same shall be considered on its own merit in accordance with law on the same day and without being prejudiced by any observation in the present order.

BT/Chandran

(Vikash Jain, J)

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