

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74080 of 2019

Arising Out of PS. Case No.-85 Year-2018 Thana- MALAYPUR District- Jamui

Umesh Paswan @ Pahalwan, aged about 30 years (Male), S/o Vasudeo Paswan R/o Village- Vasudeopur, P.S.- Kharagpur (Gangra), District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 20-07-2020

Heard Mr. Amrendra Kumar, learned counsel for the petitioner and Mr. Rakesh Kumar Sinha learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Malaypur P.S. Case No. 85 of 2018 registered for offences under sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

From the F.I.R., it appears that two unknown persons came on motorcycle, one person get down and pumped bullet on the body of the deceased Dhananjay Singh and, thereafter, both of them fled away from there.

It has been stated in the F.I.R. that the incident has been done at the instance of one Anil Singh and Nunudeo Singh with whom he has a dispute concerning Black Dimand School.



The victim has raised a grievance with regard to construction of school building by Anil Singh by encroaching upon the government land. For removal of the encroachment, he had filed the case before this Court in writ jurisdiction wherein the Court has directed for removal of encroachment but, he did not remove the encroachment and, as such, Anil Singh wanted to get away the victim from his way so that he may run the school without any hindrance.

It appears from paragraph no.26 of the Case Diary that the police has located the mobile nos. being 9801056143, 9631958590, 7091816698 and 7645014079. During investigation, the location of mobile no. 9801056143 found to be at Saraikela and they were in talking term with Lalan Kumar Singh. The police arrested Lalan Singh who disclosed the entire incident in what manner, at the instance of Anil Kumar Singh, the act has been executed whereby Dhananjay Singh has been killed by the group of accused persons. He has also stated that at the instance of Anil Singh, his henchman has contacted Lalan Kumar Singh and arms were made available by Umesh Paswan, he had gone along with the other co-accused person in the motorcycle. He has further stated that the work of liner was done by Shikhandi Paswan and Om Singh. The present



petitioner along with Lalan Singh went to the place where the victim was washing the motorcycle. The present petitioner remained in the motorcycle whereas other accused person, namely, Lalan Singh pump the bullet in the body of deceased Dhanajay Singh.

It has also come in paragraph no.15 of the supplementary Case Diary that the police has found that the present petitioner along with Shikhandi Paswan has a criminal antecedent as he has been made accused along with him in Kulti P.S. Case No. 205 of 2017 for offence under Sections 302, 201 and 120B of the Indian Penal Code but, in the present case, the petitioner has not mentioned the aforesaid statement regarding criminal antecedent of the petitioner, thereby suppressed the criminal antecedent of the petitioner.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected.

This Court gives a direction to the Registrar General of this Court to lodge a criminal case against the Pairvikar of the present case who has sworn the affidavit for making a false



statement, thereby trying to obtain favorable order from this
Court.

(Shivaji Pandey, J)

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