

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70343 of 2019**

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

DIWAKAR PATHAK @ DIWAKAR KUMAR S/o Nityanand Pathak R/o
Village- Chuhari, Pathak Tola, P.S.- Chanpatia, District- West Champaran .

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. (Dr.) Amrendra Kumar, Adv.
For the State	:	Mr. Zainul Abedin, APP
For the informant	:	Mr. Bimlesh Kr. Panday, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 05-03-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Chanpatia P.S. Case No. 515 of 2018 (GR No. 5731 of 2018), disclosing offence punishable under Section 302 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

From the FIR, it appears that there is allegation against the persons named in the FIR of their active participation in commission of offence, leading to the death of the informant's father, after 13 days of the date of occurrence.

Learned counsel appearing on behalf of the petitioner has submitted that co-accused Naveen Barnwal has been allowed regular bail by this Court, considering the fact that the



main allegation of assault is against Vinay Pathak.

In my view, the petitioner's case is distinguishable from the case of Naveen Barnwal, who is said to have asked others to kill the deceased.

In any view of the matter, since, in my view, the petitioner had actively participated in commission of the offence, as alleged in the FIR, I am not inclined to grant him the privilege of regular bail.

This application is accordingly rejected.

(Chakradhari Sharan Singh, J)

Rajesh/-

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