

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86770 of 2019

Arising Out of PS. Case No.-188 Year-2019 Thana- BANIAPUR District- Saran

MAHESHWAR PRASAD SRIVASTAVA, Son of Late Rambilash Prasad
Srivastava Resident of Village - Harpur, P.S.- Baniyapur, District - Saran, at
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 29-06-2020 Heard Mr. Rajeev Kumar, learned counsel for the

petitioner and Mr. Ram Priya Sharan Singh, learned APP for

the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Baniyapur P. S. Case No. 188 of
2019 dated 19.06.2019 instituted for the offences under
Sections 147, 148, 149, 341, 323, 307, 302 and 120(b) of
the Indian Penal Code and Section 27 of the Arms Act,
1959.

From the F.I.R., it has been argued that the
petitioner has only been attributed with the role of an order-
giver.



It has further been urged that the petitioner being an old man has unnecessarily been dragged in this case.

There is an old enmity and because of such enmity, an occurrence took place and taking advantage of that, the petitioner and his other family members have been made accused in this case.

True it is that the petitioner is only attributed with the role of an order giver, but considering the over all nature of accusation against him and the attendant circumstances, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

Should the petitioner surrender before the court below and seek bail, it shall be considered on its own merits, without being prejudiced by the fact that this application on his behalf has not been entertained and it shall also take into account the fact that the petitioner is the order giver.

(Ashutosh Kumar, J)

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