

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11961 of 2021

Arising Out of PS. Case No.-395 Year-2020 Thana- RAJAOLI District- Nawada

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KAPIL PASWAN Son of Late Ragho Paswan Resident of Village -
Kumharua, P.S.- Rajauli, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar

For the Opposite Party/s : Mrs.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-11-2021 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in connection with Rajauli P.S. Case No.395 of 2020, registered for the offence punishable under Sections 341, 323, 308/34 of the Indian Penal Code.

The allegation against the petitioner is that due to a land dispute, he along with other accused persons came to the house of informant and assaulted her with lathi, danda and iron rod causing fracture of hand.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to the admitted land dispute. No such occurrence as alleged ever took place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation is against Shrawan Paswan. There is case and counter-case between the parties. The learned trial court had advised the petitioner to surrender before the court below within 30 days and seek regular bail but the petitioner could not surrender and has filed the instant anticipatory bail application. Petitioner has no criminal antecedent and several similarly situated co-accused persons have been granted bail by the learned court below itself.

Learned counsel for the State opposed the prayer for anticipatory bail by submitting that the petitioner is named in the FIR.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner named above.

Accordingly, the instant anticipatory bail application is dismissed.

However, the petitioner is directed to surrender before the learned court below within a period of four weeks from today



and seek regular bail.

The learned court below is directed to consider and dispose of the case of the petitioner, on the same date, in accordance with the merits of the case without being prejudiced by the dismissal of the present application.

(Anjani Kumar Sharan, J)

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