

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.415 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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DIWAKAR @ JALIM PASWAN Son of Luxmi Paswan Resident of Village-
Jodhan Bigha, P.S.- Shekhopur Sarai, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nagmani Kumar

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-09-2021 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of eight weeks.

The petitioner is apprehending his arrest in Shekhopur Sarai
P.S. Case No. 14 of 2020 registered under Sections 147, 148, 149,
323, 302, 307, 504 and 506 of the Indian Penal Code.

Allegedly, the accused persons having armed with deadly
weapons, came at the informant's house and started abusing. On
protest, the accused persons assaulted upon the family members of
the informant and in consequence thereof, the son of the informant
was given axe and Khanti blows, as a result of which, he succumbed
to the injuries.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
has been made accused in the present case due to mistake of fact. The



other witnesses in paragraphs-68, 69, & 70 of the case diary, have stated that the deceased was assaulted by co-accused Anil Paswan. They have not named the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. The informant is an eye witness to the alleged occurrence. The specific allegation has been made against the petitioner who is alleged to have given axe blow on the head of the deceased along with other co-accused Anil Paswan who is said to have given Khanti blow on the head of the deceased. As per postmortem report, the injuries were found on the head of the deceased caused by hard and blunt substances. The postmortem report corroborates the allegation made in the FIR.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail to the petitioner is rejected.

If the petitioner surrenders before the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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