

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63416 of 2019

Arising Out of PS. Case No.-504 Year-2016 Thana- PATORI District- Samastipur

NARESH PAL @ RAM NARESH RAJPAL, Son of Late Ramswarup Raut
Resident of Village- Ishakpur Tec, Police Station- Mahnar, District- Vaishali.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh- Sr. Advocate
Mr. Vipin Kumar Singh- Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 30-09-2021 Heard Mr. Bindhyachal Singh, the learned Senior Advocate for the petitioner and Mr. Ram Priya Sharan Singh, the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Patori (Mohanpur) P. S. Case No.504 of 2016, instituted for the offences under Sections 302, 120(B)/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is alleged to have fired from his weapon, killing the deceased.

The learned Senior Advocate for the petitioner has submitted that the accusation is absolutely false. The petitioner and the deceased were having some dispute in the past and therefore his name was given in the F.I.R. Later, when the informant realized his mistake, he went to the superior police officer and disclosed that the accusation against him is incorrect. Similarly, it has been urged on behalf of the petitioner that



several independent persons have stated that the petitioner is a tenant in a house and he was seen in the house at the time of occurrence.

The submission is that the petitioner had never participated in the occurrence but only because of enmity, he has been named in the F.I.R.

However, this Court is not inclined to grant anticipatory bail to him in view of the specific accusation of firing against the petitioner which has led to death of the deceased.

The prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the Court below, after taking into account the grounds noted above, shall consider the case on its own merits without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

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