

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38447 of 2021**

Arising Out of PS. Case No.-24 Year-2015 Thana- JURAWANPUR District- Vaishali

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DHARMENDRA PASWAN @ DHARMENDRA KUMAR PASWAN @
DHARMENDRA BHAGAT S/O KAMLESH BHAGAT R/O VILLAGE-
PAHARPUR PURVI, P.S-JURAWANPUR, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Jurawanpur P.S. Case No. 24 of 2015 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and informant in the F.I.R. alleges that he assaulted on the head of the deceased by *bhala* on account of which he died.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the deceased was a drunkard and in the postmortem report also it



has come that the wounds were lacerated, as such the allegation as alleged in the F.I.R. does not get corroborated from the postmortem report, it is stressed and submitted that since the deceased was a drunk as such he fell on stone leading to his death.

Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is trying to evade the law, it is next submitted that the F.I.R. is of 2015 and the charge-sheet came to be submitted in 2020 but still the petitioner did not surrender rather he is availing his remedy available in law according to his will which clearly reflects that petitioner has scant regards for the law, it is next submitted that allegation in the F.I.R. is direct and specific. Learned A.P.P. further submits that though it is submitted that the deceased was a drunkard and he fell on the ground leading to his death but then the postmortem report does not even remotely suggest that any liquor was found during the course of postmortem from the body of the deceased which further negates the submission of the learned counsel for the petitioner.

Considering the submissions made by the learned A.P.P. for the State and the fact that the petitioner does not have regards for law as he is availing his remedy available in law



according to his will, the Court is not inclined to grant anticipatory bail to the petitioner.

His prayer for anticipatory bail is thus dismissed.

(Satyavrat Verma, J)

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