

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53940 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- KARAMCHAT District- Kaimur (Bhabua)

BHARAT PASWAN Son of Marahi Paswan Resident of Village- Sabar, P.S.-
Karamchat, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner has antecedent of one case but inadvertently at para 3 of the anticipatory bail application it has been recorded that petitioner is a person with clean antecedent. It is submitted that the informant alleges that six months before in the case of murder of one Laxman Paswan informant's husband was implicated and Laxman Paswan who works in the police department and his wife used to abuse the informant's husband and also threatened to kill him. It is next alleged that on



06.04.2021 at about 06:45 p.m. when the informant's husband was eating beetle nut and informant was standing next to him when this petitioner along with three other named accused persons and three unknown accused came and had their faces masked at the place of occurrence and fired at the informant's husband and when one Shiv Pyare Dubey started raising alarm the accused fired at him, it is next alleged that thereafter police came and the victims were taken to husband where both were declared dead.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case by the informant. It is next submitted that earlier the husband of the informant was implicating in the murder case of the son of Laxman Paswan and the petitioner is own brother of Laxman Paswan, as such, the informant with a view to wreak vengeance has falsely implicated him. It is next submitted that when the criminal who had fired at the husband of the informant have their faces covered then how come the informant was able to identify them. It is next submitted that since the petitioner is own brother of Laxman Paswan and there was a dispute between the parties as aforesaid, as such, the informant was known to the petitioner and the petitioner in presence of the



informant would never have committed such an occurrence as his chances of being identified was very probable and evidence would also be created against him.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

At this stage learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application.

Permission is accorded with liberty to the petitioner to surrender in the learned court below on or before 22.07.2022. In the event if the petitioner surrenders by that date or before that date the learned court below if possible will try to dispose of the case of the petitioner on the same day considering the submissions made by the learned counsel for the petitioner.

Accordingly, this application is dismissed as withdrawn in connection with Karamchat P.S. Case No. 21 of 2021 pending in the Court of learned Chief Judicial Magistrate, Kaimur at Bhabua/successor Court.

(Satyavrat Verma, J)

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