

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4970 of 2023

Arising Out of PS. Case No.-95 Year-2022 Thana- DHAKA District- East Champaran

SAWAN KUMAR SAW @ RAKESH KUMAR @ RUKESH KUMAR S/O
GAJENDRA SAH R/v- Jatwaliya, P.O. and P.S.- Kundwa Chainpur, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Dhaka P.S. Case No. 95 of 2022 registered for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act pending in the Court of learned Sub Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran.

Allegation against the petitioner is that he along with other co-accused persons committed murder of the brother of the informant.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is not named in the FIR, name of the



petitioner is transpired during course of investigation that he work as a liner in the alleged crime. The petitioner has got one criminal antecedent as mentioned in para-3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that specific overt act has been attributed against the petitioner. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Dhaka P.S. Case No. 95 of 2022.

The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that there is no eye-witness to the occurrence.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

