

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11477 of 2023

Arising Out of PS. Case No.-243 Year-2021 Thana- PAKRIDAYAL District- East Champaran

BHOLA PASWAN @ SURAJ PASWAN S/O SURENDRA PASWAN
Resident of Village- Ramban, P.S.- Pakaridayal District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-05-2023 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), 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, under conspiracy, petitioner along with other accused persons killed the informant's son.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner is not named in the FIR and he has no concern with the alleged occurrence but his name has



been transpired on the basis of the confessional statement of the co-accused Dharikshan Sahani. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case, as the complicity of the petitioner has been found in the alleged occurrence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender considering the fact that petitioner has no criminal antecedent and he was not named in the FIR.

(Anjani Kumar Sharan, J)

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