

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22755 of 2023

Arising Out of PS. Case No.-340 Year-2014 Thana- AURANGABAD TOWN District-
Aurangabad

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GAURAV PASWAN @ NITISH KUMAR S/O- GOPAL PASWAN
VILLAGE- DADHPA PS KUTUMBA DISTRICT-AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Chandna, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 18-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302 and
201 of the Indian Penal Code and under Section 27 of the Arms
Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and the informant alleges
that a dead body was recovered near over bridge of G.T. Road
with three injuries, further firearm injury was found on the
backside of the dead body, thereafter the body was sent for
postmortem.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, F.I.R. was instituted against unknown, it is next submitted that the name of the petitioner transpired based on disclosure made by the wife of the deceased that petitioner along with other accused persons were instrumental in killing the deceased. It is next submitted that the wife of the deceased was not an eye witness to the occurrence and the entire allegation hinged around suspicion. It is further submitted that police, after threadbare investigation, came to a considered conclusion that petitioner is innocent and thus Final Form was submitted, but the learned Trial Court differing with the police report took cognizance and thus the petitioner apprehends arrest.

5. Learned counsel for the petitioner next submits that when one Investigating Agency after investigating the case threadbare came to a considered conclusion that the petitioner is innocent whether it would be prudent to send the petitioner to jail at this stage.

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

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Aurangabad (Town) P.S. Case No. 340 of 2014 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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