

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44268 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- BHADAUR District- Patna

Rajib Paswan, Son of Bharat Paswan, Resident of village - Badhiya, P.S. -
Sarmera, District – Nalanda Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Dineshwar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-10-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Bhadaur P.S. Case No. 71 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act. He has two criminal antecedents.

3. As per the prosecution story, on 27.09.2021 at 06:00 P.M. when the informant along with his wife were going to Berhna and reached near Petmarwa Pool Sahri Sarmera Road, the FIR named accused persons along with this petitioner stopped them and threatened them to compromise the previous case. When the informant denied, the accused persons assaulted the informant by fist, rod and butt of pistol. This petitioner assaulted the informant by butt of the pistol and one Sobhilal Paswan fired twice. One Dinesh Paswan is said to have snatched mangalsutra of the wife of the informant and Bharat Paswan snatched Rs.50,000/- from the pocket



of the informant.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to old enmity.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that there is a specific allegation against this petitioner of assaulting the informant by butt of the pistol which is getting support from the injury report also.

6. Having regard to the facts and circumstances of the case wherein there is a specific allegation that this petitioner had assaulted the informant by butt of the pistol, the allegation is getting support from the injury report and further that the petitioner has got two criminal antecedents as well, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. Prayer is refused.

8. In case, the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

9. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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