

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62169 of 2022

Arising Out of PS. Case No.-514 Year-2022 Thana- BARACHATTI District- Gaya

1. RAJESH PASWAN @ RAJESH KUMAR RAJAN Son of Jagdeo Paswan
Resident of Village- Baank, P.S.- Barachatti, District- Gaya
2. RAJA KUMAR Son of Rajesh Kumar Resident of Village- Baank, P.S.-
Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail application in respect of petitioner no.2, Raja Kumar as he is a minor.

Permission is granted.

Accordingly, this anticipatory bail application is dismissed as withdrawn so far as petitioner no.2, Raja Kumar is concerned.

Now, the instant anticipatory bail application survives only against petitioner no.1, Rajesh Paswan @ Rajesh Kumar Rajan.

Heard both sides.

The petitioner apprehends his arrest in connection



with Barachatti P.S. Case No.514 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The petitioner alongwith other co-accused persons is said to have killed the mother-in-law of the informant by assaulting her with *lathi-danda*.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that there is general and omnibus allegation against the petitioner. It is submitted that postmortem report does not support the prosecution case.

Learned APP for the State opposes the prayer for anticipatory bail of the petitioner by submitting that from perusal of the order impugned, it is clear that some witnesses have supported the prosecution case. It is also submitted that postmortem report shows that the injuries were caused by hard and blunt substance.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the



petitioner is rejected.

However, if petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

S.KUMAR/-

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