

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5067 of 2024

Arising Out of PS. Case No.-173 Year-2017 Thana- DAUDNAGAR District- Aurangabad

1. Sri Ram Paswan Son of Bigan Paswan R/o vill - Repura, P.S. - Daudnagar, Distt. - Aurangabad
2. Ankaj Paswan Son of Ram Pyare Paswan R/o vill - Bakan, P.S. - Fesar, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard Mrs. Mukul Kumari, learned Counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Daudnagar P.S. Case No. 173 of 2017, G.R. No. 530 of 2017 for the offence registered under sections 144, 447 and 506 of the Indian Penal Code and section 27 of the Arms Act lodged on 01.07.2017 by the informant, Vijay Kumar.

3. As per the prosecution story which is of the year 2017, the allegation is that upon knock on the door, the informant opened it only to find the accused persons present who fired two rounds and threatened them of dire consequences. Accordingly, the FIR.



4. Learned Counsel for the petitioners submit that there is delay in the lodging of the FIR and no allegation is made out, only due to enmity, they have been implicated.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that more than the allegation, the conduct of the petitioners have to be seen.

6. The matter is of the year 2017 and seven years later, this anticipatory bail. Worse, as per the learned Sessions Judge order, in the year 2017 and 2018, anticipatory bail preferred which were rejected and suppressing that fact, in the year 2023, the third anticipatory bail application was filed and in that background, the learned Sessions Judge rejected the petition.

7. The kind of conduct that the petitioners have, this Court finds force in the submissions of the learned APP and as such they are well advised to immediately move before the Court after surrendering for bail as the matter is of the year 2017.

8. The Cr. Misc. No. 5067 of 2024 stands rejected.

9. However, if the petitioners surrender within a period of four weeks from today, the Court concerned shall take up the matter and dispose of the same without being prejudiced



by any of the observation made therein preferably on the same
day.

(Rajiv Roy, J)

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