

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23699 of 2015

Arising Out of PS.Case No. -144 Year- 2014 Thana -CHAUSA District- MADHEPURA

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Anvesh Singh @ Amresh Singh S/o Damodar Singh @ Domi Singh
Resident of Village Pakarabasa Kadwa, P.S. Dholbajja (Kadwa O.P.),
District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Smt. Rina Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-09-2015

Heard both sides.

The petitioner seeks bail in a case under Section 302 and other section of the Indian Penal Code and Section 27 of the Arms Act.

The informant named 10 persons including the petitioner Anvesh Singh @ Amresh Singh and alleged that they all indiscriminately fired at his brother while his brother was returning to his house and his brother died on the spot. It is alleged that the villagers apprehended two accused persons, namely, Anvesh Singh (the petitioner) and Biran Singh while they were fleeing from the spot but co-accused Biran Singh @ Biro singh has already been enlarged on bail. There is no eye-witness of the occurrence. The petitioner was not involved in the murder of the brother of the informant. The petitioner was apprehended on

account of mistaken identity. Similarly situated co-accused Biran Singh @ Biro Singh has already been enlarged on bail by a bench of this Court vide order passed in Cr. Misc. No. 24665 of 2015. The case of the petitioner exactly stands on the same footing. The petitioner is in jail since 15.10.2014.

The learned A.P.P., however, vehemently opposed the prayer for bail and submitted that the post-mortem report has not been annexed with the case diary.

There appears that the informant himself is not an eye-witness of the occurrence. The petitioner was, of course, apprehended by the villagers while fleeing away but co-accused Biran Singh, who was also apprehended by the villagers, has already been enlarged on bail. The case of the petitioner exactly stands on similar footing as that of Biran Singh.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Uda-kishunganj, Madhepura in Chousa P.S. Case No. 144 of 2014.

(Prabhat Kumar Jha, J)

Dilip/-

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