

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10268 of 2015

Arising Out of PS.Case No. -319 Year- 2013 Thana -BODHGAYA District- GAYA

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Ranjay Singh @ Petrol Singh, Son of Late Chandeshwar Singh, Resident
of Village - Sareya, Police Station - Goh, District - Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raghwendra Kumar

For the Opposite Party/s : Mr. C.Jawahar(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 22-09-2015 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner is apprehending his arrest in connection
with Bodh Gaya (Cherki) P.S.Case No. 319 of 2013 registered
under Sections 302, 201, 120B, 34 of the IPC and Section 27 of
the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR. His name has surfaced on extra
judicial confession of one Manoj Kumar after a lapse of eight
months of lodging the FIR. Learned counsel further submits that
the petitioner has had no role to play and therefore in view of the
fact that his name has surfaced in the confessional statement he is
entitled to anticipatory bail.



Learned counsel for the informant, however, submits that the name of the petitioner having surfaced in the confessional statement and also because of the fact that one Sanjay Yadav, whose name has similarly surfaced, has not been extended the privilege of bail by this Court and the case of the petitioner being on a similar footing he is not entitled to privilege of bail. He further submits that the petitioner has criminal antecedents and therefore such protection may not be extended to him.

Learned counsel for the State after perusing the case diary has referred to several paragraphs of the case diary including confessional statement made by the said Manoj Kumar, who has also been referred to by the wife of the deceased while he was going away and after being called by the accused persons.

In reply to the said submissions, learned counsel for the petitioner submits that the petitioner cannot be equated with the said Sanjay Yadav as the said Sanjay Yadav was said to be carrying a pistol and save and except the confessional statement there is no cogent material on the record. Even the wife of the deceased has not taken the name of the petitioner rather she has taken name of Sanjay Yadav, whose case has been rejected by this Court. Learned counsel for the petitioner further submits that so far as the criminal antecedent of the petitioner is concerned, he has

been extended to privilege of bail in such cases, which is stated in paragraph-3 of the petition.

Considering the entire gamut of the submissions of the parties and that there is no cogent material in the case diary, let the petitioner, above named, in the event of his arrest or surrender in the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each in connection with Bodh Gaya (Cherki) P.S.Case No. 319 of 2013 to the satisfaction of the Chief Judicial Magistrate, Gaya, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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