

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39746 of 2014

Arising Out of PS.Case No. -89 Year- 2013 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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Pappu Singh @ Abhay Kumar Singh, Son of Shri Ravi Prakash Singh,
Resident of-Kanta, P.S.-Saiyad Raja, District-Chandauli (U.P.), at present
Village-Pusauli, P.S.-Kudra, District-Kaimur (Bhabua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Advocate

For the Opposite Party/s : Mr. Ajay Kumar 1 (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 10-04-2015

The petitioner figured as one of the accused in Chainpur P.S. Case No.89 of 2013 where offences punishable under Section 302, 120B read with 34 of the Indian Penal Code and Section 27 of the Arms Act were alleged. The father of the petitioner was arrested and he is in jail. The petitioner filed bail petition no.682A of 2013/ 217 of 2014 before the Court of Sessions Judge, Kaimur at Bhabua. The same was rejected on 29.05.2014. Hence, this application for grant of anticipatory bail under Section 438 Cr. P.C.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

It is no doubt true that the deceased was killed on account of gun shots fired by the father of the petitioner. The fact, however, remains that there is an allegation in the F.I.R.

that while the petitioner and his two other brothers pulled the deceased from the tractor, their father fired the shot. Obviously for that reason, Section 34 of the Indian Penal Code was invoked. Unless the petitioner is arrested, there cannot be any effective investigation or trial.

Hence, this application is dismissed.

(L. Narasimha Reddy, CJ)

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