

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21766 of 2015

Arising Out of PS.Case No. -14 Year- 2014 Thana -FULKAHA District- ARRARIA

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1. Praveen Kumar Singh @ Praveen Singh Son of Bashista Narain Singh
2. Gopi Singh @ Gopi Kumar Singh Son of Shiv Narain Singh Both
resident of village - Madhura Uttar Ward No. 3, P.S. Fulkaha, District -
Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 08-10-2015 Heard both sides.

The petitioners apprehend their arrest in Fulkaha P.S.
Case No. 14/2014, registered for the offences punishable under
Section 302 and other Sections of the Indian Penal Code and
different Sections of SC/ST Act.

The informant Ram Prasad Ram named altogether 24
persons including the petitioners and alleged that they all having
different arms came at the disputed land and on the order of Shri
Narayan Singh, Anant Narayan Singh, Dhruv Narayan Singh,
Satish Singh, Shibu Singh, Bashista Singh and Brij Narayan Singh
to kill and set ablaze the house, Guddu Singh and Subhash Singh
fired on Biren Ram which hit on the head and Biren Ram died on

the spot. Subhash Yadav and Anant Singh fired which hit in the abdomen of Anirudh Ram who died during course of treatment. Other accused persons also assaulted with sharp edged weapon. Anant Singh, Ram Kumar Singh and Anil Yadav fired which hit Chanardeo Ram in his abdomen and he was seriously injured. Chanardeo Ram is under treatment in Bhagalpur. Balram Singh and Gopal Singh are also alleged to have fired. Accused persons also exploded bombs.

Sri Suraj Narayan Prasad Sinha, learned senior counsel submitted that the informant has very categorically stated that of course the informant alleged that the petitioners were armed with firearms, but no specific allegation of either firing or assault is made against the petitioners and many other similarly situated accused persons, namely Sudama Singh, Ramanand Yadav, Sri Narayan Singh have been granted bail. A prayer for bail of those accused persons such as Guddu Singh, Subhash Singh and Anant Singh have been rejected against whom there was specific allegation of firing. There is no specific allegation of firing against the petitioners.

Learned Additional P.P. Sri Ambika Bhagat has submitted that it is a case of double murder and all other similarly situated accused persons have been granted regular bail.

Therefore, the petitioners do not deserve anticipatory bail.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered taking into account that similarly situated co-accused persons have already been granted regular bail.

(Prabhat Kumar Jha, J.)

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