

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30988 of 2015

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

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Anant Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra-Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 26-08-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Report is available. Petitioner's prayer for bail was
earlier rejected vide composite order dated 02.12.2014 passed in
connection with Criminal Miscellaneous Nos.31633 of 2014,
31740 of 2014, 31809 of 2014, 32281 of 2014, 37278 of 2014 and
37918 of 2014 (Annexure-1). Taking into account the submission
made by the petitioner, challenging the finding recorded in
Annexure-1, case diary was called for.

The learned counsel for the petitioner made much
stress that as a member of mob, petitioner has been identified to
have possessed a pistol. It is said that Subhash Yadav and the
petitioner, Anant Singh had fired at Anirudh, one of the deceased

as well as had also caused injury over Chandradeo Ram. It has also been submitted that there happens to be specific disclosure that Anirudh had sustained injury from rifle and that being so, petitioner is entitled for bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

Gone through the case diary. From perusal of the statement of the witnesses, as indicated in the earlier order (Annexure-1), it is apparent that as a member of unlawful assembly, petitioner Anant Singh has been identified to have possessed pistol. However, at the time of firing, none of the witnesses have stated that he fired from pistol. Though, they have stated that deceased Anirudh had sustained injury from rifle. The submission made on behalf of learned counsel for the petitioner that an inference should be made that being armed with pistol, firing would have been from the pistol itself is not going to convince me as it is a full-fledged trial whereunder evidences have to be scrutinized minutely.

Accordingly, prayer of petitioner for bail is rejected.

(Aditya Kumar Trivedi, J)

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