

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30441 of 2016

Arising Out of PS.Case No. -687 Year- 2015 Thana -NAUBATPUR District- PATNA

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Shashi Shekhar @ Shashi Kumar @ Shashi Ranjan Suman, Son of Sri Satyendra Singh, resident of Village- Gonawan, Police Station- Naubatpur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar @ Dr. Amrendra Kumar, Advocate.

For the Opposite Party/s : Mr. Sudish Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with Naubatpur P.S. Case No. 687 of 2015 dated 28.11.2015 registered under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioner is that he, along with three others, had fired upon the deceased leading to his death.

Learned counsel for the petitioner submits that the entire family members of the petitioner, along with his brother and father, have also been made accused for the reason that earlier, the father of the petitioner was a witness in a criminal case against the informant and his family members. It is further submitted that the brother of the petitioner, who is a regular student of I.I.T., Kharagpur, was also made accused, though he was pursuing his study at the institution, due to which, the court below itself has granted anticipatory bail to him. It is further submitted that

the petitioner has also obtained B.Tech degree from a prestigious institution, having worked there in Delhi. It is submitted that the false implication is clear. It is submitted that co-accused Sunil Kumar and Manish Kumar @ Bablu Singh have confessed to the crime and thus, the petitioner cannot be said to be guilty.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that there have been two murders and with regard to one, Sunil Kumar and Manish Kumar @ Bablu Singh have confessed, and thus, the petitioner, at this stage, *prima facie*, cannot take the plea of innocence, moreso, when he is named in the F.I.R.

Considering the facts and circumstances of the case and the submissions of the parties, the Court is not inclined to grant anticipatory bail to the petitioner. The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and seeks regular bail before the court below, within one month from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Sujit/-

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