

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5787 of 2016

Arising out of PS.Case No. -313 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

Aakash Kumar Singh, S/o Late Hira Singh @ Harihar Singh, resident of village - Dangauli, P.S. Sonbarsa, District - Buxar (Bihar)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate and Mr. (Dr.) Kislay and Mr. Jyoti Ranjan Jha, Advocates.

For the Opposite Party : Mr. Abhay Kr. Roy(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 12-04-2016 Heard learned senior counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Mohania P.S. Case No. 313 of 2015 for the offences instituted under Sections 302/34 of the IPC.

The prosecution story, in brief, is that the informant was returning alongwith his mother in a Mini Bus at around 7.30 P.M., in the evening, when the Bus reached near Akorhi Morh then two unknown persons who had concealed their faces, one armed with Katta started pulling his hand, he resisted, in the meanwhile the person armed with pistol shot at his chest and the said cartridge piercing the body of the said person hit below the thigh of his mother sitting just behind, some criminals were down the Bus

therefore, he could not see them, thereafter the driver brought the injured persons to Sub Divisional Hospital, Mohania, but the another injured person Surendra Pd. Verma declared brought dead.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is not named in the F.I.R. His name has come on the basis of confessional statement of co-accused Imran Khan. As per the said confessional statement, no overt act is said to have been alleged against this petitioner.

On behalf of the State it has been submitted that the F.I.R. was instituted against unknown and anticipatory bail of other co-accused have been rejected vide Cr. Misc. Nos. 53893 of 2015 and Cr. Misc. No. 54904 of 2015.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Mohania P.S. Case No. 313/2015, pending in the court of the learned C.J.M., Kaimur at Bhabua. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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