

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43726 of 2015

Arising Out of PS.Case No. -291 Year- 2014 Thana -NAUBATPUR District- PATNA

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CHHOTE KUMAR @ CHHOTE SINGH @ CHHOTU KUMAR @
CHHOTU SINGH, S/o Shri Devendra Singh @ Pahalwan Ji, R/o
Sikandarpur, P.S. Bihta, District Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Patanjali Rishi, Advocate.

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 31-08-2016

Heard both sides.

The petitioner apprehends his arrest in Naubatpur
P.S. Case No. 291 of 2014 registered under Sections 302/201 of
the Indian Penal Code.

FIR is lodged against unknown. Learned counsel for
the petitioner submits that there is no eye witness of the
occurrence. During the course of investigation, Ankita Devi, the
wife of the deceased, disclosed that her husband had made an
agreement to sell a piece of land of his relative and for that Sanjay
Singh and his men including the petitioner had threatened the
husband of Ankita Devi. She further alleged that on 12.06.2014,
Sanjay Singh, his maternal brother Anjani Singh, Dhiraj Kumar
and Chhotu Singh (the petitioner) and one unknown person called
her husband and thereafter her husband became traceless and his
dead body was found on 16.06.2014. It is submitted that the wife

of the deceased is not an eye witness of the occurrence. She has not stated anywhere that how did she come to know that the petitioner and others called her husband but it appears from the case diary that almost all the witnesses have stated that the petitioner and others called the deceased and after two days, dead body of the deceased was found. The prayer for anticipatory bail of Anjani Kumar @ Anjani Singh, a similarly situated co-accused, has already been rejected vide order passed in Cr. Misc. No. 42479/2015.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Naubatpur P.S. Case No. 291 of 2014. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated co-accused, namely, Dhiraj Kumar, Sanjay Kumar, Chunnu Sharma @ Dharmendra Kumar have already been granted regular bail and dispose of the bail petition of the petitioner, if possible, on the same day.

(Prabhat Kumar Jha, J)

Dilip/-

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