

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31157 of 2016

Arising Out of PS.Case No. -63 Year- 2014 Thana -SAHJAHANPUR District- PATNA

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Shailendra Singh, Son of Sri Brijnandan Singh, Resident of Village- Arai,
Police Station- Shahjahanpur, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shailendra Kumar, Advocate.

For the Opposite Party : Mr. Sharda Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-09-2016 Heard both sides.

The petitioner apprehends his arrest in Shahjahanpur P.S. Case No. 63 of 2014 registered for the offences punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that his son Mohan Kumar Pandey went along with Abhiranjan Kumar @ Amit but Mohan Kumar Pandey did not return. Abhiranjan Kumar @ Amit disclosed that some criminals intercepted Mohan Kumar Pandey snatched his mobile and mobile of Mohan Kumar Pandey and killed Mohan Kumar Pandey. The informant found the dead body of his son.

Learned counsel for the petitioner submits that the

petitioner is not named in the FIR. Name of the petitioner figured in the case during course of investigation and involvement of Abhiranjan Kumar @ Amit was also found. It is further submitted that co-accused Neetu Devi has already been granted anticipatory bail vide order passed in Cr. Misc. No. 47580 of 2015 on 26.11.2015.

On the other hand, learned counsel for the informant as well as learned APP opposed the prayer for anticipatory bail of the petitioner and submitted that the case of the petitioner is similar to the case of Sanjay Singh. The anticipatory bail of Sanjay Singh @ Basuri has already been dismissed vide order passed in Cr. Misc. No. 42473 of 2015 on 13.10.2015. The case of Neetu Devi is different as only allegation against her is that she had threatened just before the occurrence of dire consequences but nobody saw her in and around the place of occurrence whereas the petitioner and Sanjay Singh were found fleeing away from the place of occurrence and they had talked with each other before the occurrence and immediately after the occurrence.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail in Shahjahanpur P.S. Case No. 63 of 2014.

Accordingly, the same is rejected.

However, the petitioner, 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, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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