

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24306 of 2016

Arising Out of PS.Case No. -339 Year- 2015 Thana -DUMRAUN District- BUXAR

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Nisan Singh, Son of Late Ram Niwash Singh, Resident of Village-
Englishpur, Police Station- Charpokhari, District-Bhojpur at Ara.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Ravi Shanker Pankaj, Advocate.

For the Opposite Party : Mr. U.S.Pd.Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-08-2016

Heard both sides.

The petitioner apprehends his arrest in Dumraon
(Naya Bhojpur O.P.) P. S. Case No. 339 of 2015 registered under
Sections 302 and 201/34 of the Indian Penal Code.

The petitioner is not named in the F.I.R. The
chaukidar lodged the case against the unknown after recovery of
two dead bodies on Railway track. During the course of
investigation, one co-accused Ganga Dayal Singh was arrested
and he is said to have confessed his guilt and disclosed that the
petitioner was called in a panchayati, thereafter he along with
other accused persons killed and threw the dead body on railway
track. Dasai Singh @ Dasai Yadav, the own brother of the
petitioner also confessed his guilt and also disclosed the name of
the petitioner.

It is submitted by learned counsel for the petitioner
that except confessional statement of the co-accused, police has

not collected any material. Ganga Dayal Singh and Dasai Singh have already been granted regular bail vide order dated 15.03.2015 passed in Criminal Misc. No. 2830 of 2016 and 6766 of 2016 by a co-ordinate bench of this Court. The case of the petitioner is on better footing.

Of course, the petitioner is not named in the F.I.R, but it appears that the name of the petitioner figured in the confessional statement of Ganga Dayal Singh and Dasai Singh, own brother of the petitioner, who also disclosed the name of the petitioner with regard to his participation in the panchayati and killing of the deceased.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. 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 the name of the petitioner figured in the confessional statement of the co-accused Ganga Dayal Singh and Dasai Singh and they have already been granted regular bail and dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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