

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42731 of 2016

- =====
1. Sanjay Singh son of Ishwari Singh
 2. Anuj Singh son of Gauri Singh Both are residents of Village - Daulatpura, P.S. Sitamarhi (Narhat), District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.37452 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -NARHAT District- NAWADA

- =====
1. Shambhu Sharan Singh Son of Late Amir Singh resident of village - Daulatpura, P.S. Sitamarhi (Narhat), District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.42731 of 2016)

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Smt. Meena Singh

(In Cr.Misc. No.37452 of 2016)

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 04-02-2017 Both the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the Informant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Narhat (Sitamarhi) with



P.S. Case No. 60 of 2016 for the offences punishable under sections 147, 148, 149, 302, 337, 171 (C), 188 and 504 of the I.P.C and section 27 of the Arms Act.

On behalf of petitioners Sanjay Singh and Anuj Singh (in Cr. Misc. No. 42731 of 2016), it is submitted that there is no specific allegation of firing and causing injury to any one against them, there is specific allegation of firing against Manish Kumar who is said to have fired on the deceased who died instantaneously. In this case similarly situated co-accused Pintu Singh has been allowed pre-arrest bail vide Cr. Misc. No. 30590 of 2016 and as such the petitioners also deserve sympathetic consideration, further other co-accused have also been allowed pre-arrest bail.

On behalf of petitioner Shambhu Sharan Singh (in Cr. Misc. No. 37452 of 2016), it is submitted that he was not present at the place of occurrence, several witnesses during investigation have stated that the petitioner was admitted in the Community Health Centre, Kasmar, Bokaro, vide paragraph-60 of the supplementary case diary and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioners by submitting that the petitioners were the members of



mob and one person was killed. The petitioner Shambhu Sharan Singh is the order giver and the doctor who has granted certificate that Shambhu Sharan Singh and Manish Singh were admitted in the hospital have been made accused for their misdeed and as such the petitioners do not deserve pre-arrest bail.

In the facts and circumstances as stated above, the petitioners, namely, Sanjay Singh and Anuj Singh (in Cr. Misc. no. 42731 of 2016), in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. A.C.J.M-III, Nawada in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

So far petitioner Shambhu Sharan Singh (in Cr. Misc. No. 37452 of 2016) is concerned, he is the order giver and at his instigation Manish Kumar opened fire upon Sunil Kumar Sharma, the nephew of the informant who succumbed to the injury and as such I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected.

Abhay/-

(Jitendra Mohan Sharma, J)

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