

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31720 of 2017

Arising Out of PS.Case No. -48 Year- 2016 Thana -AMARPUR District- BANKA

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Kanhaiya Singh, S/o Dilip Singh, Resident of Village- Kushamaha, Police
Station- Amarpur, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Ms. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Amarpur P.S. Case No. 48/2016 registered under Sections
302, 376, 201 read with Section 34 of the Indian Penal Code and
Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R., however, in course of
investigation his name has transpired in the confessional statement
of the co-accused Barun Sangahi. It is further submitted that in the
F.I.R. itself specific allegations have been made against said
Barun Sangahi, who is the owner of the Chimney. Learned
counsel has emphatically relied upon the order dated 21.03.2012
passed by a co-ordinate bench of this Court in Cr. Misc. No.



6090/2017 (Rahul Kumar Singh @ Rahul Kumar v. The State of Bihar) and submits that the co-accused Rahul Kumar Singh has been granted privilege of anticipatory bail as the only material found against him was the confessional statement of the aforesaid Barun Sangahi. Learned counsel further submits that the case of this petitioner is identically situated; there being no iota of difference, therefore, the petitioner should also be granted privilege of anticipatory bail, particularly, when the petitioner has no criminal antecedent.

Learned A.P.P. opposed the prayer for anticipatory bail and submits that it is a case of rape and murder of a 13 year old girl.

In the facts and circumstances, although I am not inclined to grant anticipatory bail to the petitioner, if the petitioner surrenders in the court below and makes a prayer for regular bail, the court below shall consider the specific plea of the petitioner that save and except the confessional statement of Barun Sangahi, no other material has been collected against him so as to implicate him in the present case and that the co-accused Rahul Kumar Singh has already been granted privilege of anticipatory bail, and if the court below finds that the case of the petitioner is identical to that of Rahul Kumar Singh, a uniform view may be taken in the



facts and circumstances of the case, subject to such conditions as the learned court below may deem fit and proper in its opinion.

The application thus stands disposed of with the observations here-in-above.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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