

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43489 of 2017

Arising Out of PS.Case No. -76 Year- 2015 Thana -SINGHIA District- SAMASTIPUR

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1. Panna Singh Son of Madan Singh, resident of Village- Mohanpur, Police Station- Chautham, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 10-11-2017 Heard Mr. Viveka Nand Singh, the learned counsel

appearing on behalf of the petitioner and the learned Additional

P.P.

The petitioner apprehends his arrest in Singhia P.S.

Case No.76 of 2015 registered under Section 394/302 of the

Indian Penal Code and 27 of the Arms Act.

The learned counsel for the petitioner submits that the

petitioner is not named in the F.I.R. Nobody has seen the

petitioner committing the crime. The informant simply alleged that

the accused persons fled away from the place of occurrence. It is

further alleged that when Ashok Das protested, one of the accused

shot him. During the course of investigation, the witnesses have

simply stated that the petitioner found fleeing away from the place



of occurrence but nobody has seen the petitioner firing at the deceased, Ashok Das but from perusal of the case diary it appears that during the course of investigation, the witnesses, in para 8, 9, 10 and 11, have stated that on alarm, they went there and saw the petitioner and others fleeing away from the place of occurrence. It is a case of robbery in which one of the accused shot Ashok Das who later on died during the course of treatment.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected. If the petitioner surrenders before the court below and file regular bail, the court below shall consider the case of the petitioner on its own merit without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J)

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