

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23532 of 2018

Arising Out of PS. Case No.-250 Year-2017 Thana- SHERGHATI District- Gaya

=====

Ramnivash Singh, S/o- Raghav Singh, R/o- Vill.- Khutti Kewal, Khurd
(Nawadih), P.S.- Hunterganj, District- Chatra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mrs. Anita Kumari Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 07-05-2018

Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 506, 120B and 302 of the IPC and 27 of the Arms Act.

The prosecution case, as per the written report of Lankesh Kumar Singh, dated 15.05.2017, submitted to the Station House Officer, Sherghati (Dobhi) Police Station is to the effect that on 14.05.2017 at 8.15 PM the informant along with his father was returning from Hunterganj on a scooty, but on the way, 5-6 persons surrounded the informant and his father, out of which, the informant identified the petitioner, Ram Nivash Singh, co-accused Ram Kumar Mishra and Ramanuj Mishra. The accused persons caught hold of the informant, made assault with fists and slaps and asked the informant to run away, otherwise he will



be shot dead, whereupon the informant started fleeing away, in the meantime, someone shot at the temporal region of his father and escaped from the scene. After the accused persons escaped from the scene, the informant reached to his father and found him soaked in the blood with bullet injury on his temporal region. In the meantime, the cousin brother of the informant came then the informant took his father to the hospital, where he was declared dead. It is alleged that about 15 days prior to the occurrence, one Prem Singh, threatened the father of the informant and hence, he suspected that due to the same, his father has been killed.

It is submitted by learned counsel for the petitioner that though the petitioner along with two other co-accused persons were identified by the informant, but as per the accusation made in the FIR, the informant could not see as to who fired. During investigation also, no one suggested that as to who caused firearm injury to the father of the informant. From perusal of the FIR, it further appears that the informant actually was not there when the firing took place and he came on the spot after disappearance of the accused persons. Though, the learned Sessions Judge has quoted in the impugned order that in paragraph nos. 7, 8 and 9 of the case diary, witnesses have



disclosed the name of the petitioner as the person who was present at the place of occurrence, but those persons have only suggested the presence of the petitioner and they have also not suggested that the petitioner actually fired. Moreover, during entire investigation, none could suggest the name of the person who actually fired at the father of the informant. Moreover, other similarly situated accused persons, who have been identified by the informant, have been granted anticipatory bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 16450 of 2018. A statement has been made in paragraph no.3 of the petitioner that apart from present one, the petitioner is involved in one other case, in which he is on bail.

Learned APP, after going through the case diary, submits that the witnesses during investigation, have only suggested the presence of the petitioner on the spot, but the case diary does not suggest that anyone has seen the actual firing.

Considering the fact that though, the petitioner was identified by the informant, but since witnesses during investigation, have only suggested the presence of the petitioner on the spot and other similarly situated accused persons have been granted privilege of anticipatory bail, let the above named petitioner be released on anticipatory bail in the event of



arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Sherghati in connection with Sherghati (Dobhi) P.S. Case No. 250 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

