

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9912 of 2018

Arising Out of PS.Case No. -576 Year- 2017 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Guddu Singh @ Ajay Kumar Singh Son of late Paras Nath Singh
Resident of Village- Paithan Patti, P.O. Pathara, Police Station- Manjha,
District- Gopalganj, working as Manager, Maa Shinghashini Petrol Pump,
Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh

For the Opposite Party/s : Smt. Asha Devi, A.P.P.

For the Informant : Mr.Kumar Veerendra Narayan.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-03-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner apprehends his arrest in Gopalganj Town P.S.
Case No.576 of 2017 for the offence under Sections 302,
120(B)/34 of I.P.C. and Section 27 of the Arms Act.

It is alleged in the written report that son of the informant,
namely, Ravi Prakash telephoned the daughter-in-law of the
informant on 29.11.2017 at 8.45 P.M. that he is coming to the
house within 10 – 15 minutes. Thereafter daughter-in-law tried to
contact him and phone was ringing but answer was not coming.
Then Rajendra Prasad, Ward Councilor, was called who came on
30.11.2017 at the door of the informant and told him that at



preceding night he along with Guddu Singh, Manager of the said Pump, Sarfaraj, Ravi Prakash (deceased son of the informant), Om Prakash Singh consumed wine at Maan Singhasini Petrol Pump and thereafter Rajendra Prasad along with the informant began to search his son and came to the said Petrol Pump and enquired from the staff who told that the staffs of night duty have not reached yet. In the meantime Sarfaraj came and went to Hadson Hospital for searching Ravi Prakash where the staff of the hospital told that Guddu Singh, Om Prakash Singh, Sanjay Singh and Sateyendra Yadav had come in white TATA Vista Car and a Motor cycle where Guard told them that injured with firearm were not allowed to admit there. So, they returned from there. Thereafter wife of the informant informed on mobile that her TATA Vista Car was lying near Banjari Chowk in Kali Mandir Road in front of Police Line and dead body of her son was lying on its back seat. Thereafter the informant along with Rajendra Prasad and Sarfaraj went there and found the dead body of his son lying on the back seat of the car. The informant had suspicion that all the accused persons including the petitioner who happens to be the staff of M/s. Maan Singhasini Petrol Pump in conspiracy had committed murder of his son.

Counsel for the petitioner submits that in the entire case



diary besides the confessional statements of Rajendra Prasad and Sarfaraj there is no any allegation against the petitioner who is Manager of the said Petrol Pump. He further submits that in the written report itself it is mentioned that both Rajendra Prasad and Sarfaraj had met the informant prior to giving statement before the police but they never disclosed that the petitioner had committed murder of son of the informant but in confessional statement before the police they have stated that the petitioner has committed murder of son of the informant.

Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj, in Gopalganj Town P.S.Case No.576 of 2017 subject to the conditions as laid down under Section 438(2) of Cr.P.C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2)petitioner shall co-operate in the trial and shall



be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bonds of the petitioner and (3) if petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

AnilKrSinha/-

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