

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16659 of 2019

Arising Out of PS. Case No.-483 Year-2018 Thana- Udwanthnagar District- Bhojpur

Bijendra Kumar Singh @ Bijendra Singh, aged about 33 years, Son of Manu Singh, R/o village- Tetaria, P.S.- Udwanthnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sony Srivastava, Adv.
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Udwanthnagar P.S. Case No. 483 of 2018 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he was one of the members of the unlawful assembly lashed with a gun, had abused the deceased and had also asked the accused Sujeet Singh to fire upon the father of the informant. It is submitted that from reading of the F.I.R. it would appear that there is no allegation of firing against this petitioner and it is the main accused Sujeet Singh against whom there is allegation that he



had fired which proved fatal. It is further submitted that the reason for alleged occurrence is also described in the F.I.R according to which there had been certain altercations between the informant side and Aditiya Singh, Upendra Singh and Gajendra Singh who had allegedly indulged in some indecent act after taking liquor. Submission is that so far as this petitioner is concerned he is not even named in the occurrence which had taken place two days prior to the present occurrence. It is Sujeet Singh who had allegedly fired and killed the father of the informant.

Learned counsel submits that in absence there being any specific allegations against the petitioner, the petitioner deserves the privilege of anticipatory bail.

Learned APP for the State is present and has opposed the prayer for bail.

Considering the facts and circumstances of the case, wherein it appears that the only allegation against the petitioner is that he had also indulged in abuse and instigated but there is no allegation of firing upon the father of the informant, let in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen



thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Arrah in connection with Udwanalnagar P.S. Case No. 483 of 2018, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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