

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16738 of 2019

Arising Out of PS. Case No.-86 Year-2018 Thana- CHAUSA District- Madhepura

Chulho Singh, Son of Ganpati Singh, Resident of Village- Khopariya, Ward No.-10, P.S.- Chousa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner is languishing in custody since 29.10.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 353 of the Indian Penal Code, Sections 25(1-B)a/26/27/35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the self statement of Suman Kumar Singh, Station House Officer of Chausa Police Station recorded on 19.07.2018 at 4.30 P.M., is to the effect that on the same day at 11.30 A.M., during day patrolling, he received a secret information that 12 miscreants on 4 motorcycles variously armed are roaming in Morsanda Patpar Bahiyar to collect extortion, when the police tried to intercept



them, the four motorcycles borne miscreants, namely, Pankaj Singh, Pankaj Suti and Akhilesh Singh resorted to fire on the police. However, one person was apprehended, who disclosed his name as Nanku Singh, who also disclosed the name of his 11 associates including the petitioner. From the apprehended co-accused Nanku Singh, two country made pistols along with cartridges and from the field, four motorcycles along with 2 litres of Mahua liquor were recovered, who admitted that he resorted to fire upon the police personnel.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up on the basis of statement of co-accused Nanku Singh and investigation has already been concluded. It is further submitted that the petitioner was not apprehended from the place of occurrence and similarly situated co-accused Pankaj Singh has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 05.09.2018 passed in Cr. Misc. No. 53380 of 2018 and co-accused Nanku Singh, on whose statement the name of the petitioner sprang up, has been granted regular bail by another Co-ordinate Bench of this Court vide order dated 06..10.2018 passed in Cr. Misc. No. 61532 of 2018. A statement has been made in paragraph 3 of the petition that the petitioner is not



having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the statement of co-accused Nanku Singh.

Considering the fact that the name of the petitioner sprang up on the statement of co-accused Nanku Singh and the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II -cum- Special Judge, Excise, Madhepura in connection with Chousa P.S. Case No. 86 of 2018, corresponding to Excise Case No. 159 of 2018.

(Dinesh Kumar Singh, J)

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