

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27339 of 2019

Arising Out of PS. Case No.-274 Year-2018 Thana- MADANPUR District- Aurangabad

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Birendra Singh Bhokta @ Birendra Singh Bhogta @ Bidhayak Son of Late Chanarik Singh, Resident of Village-Nimidihi, P.S.-Dhibra, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

For the Opposite Party/s : Mr.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in connection with Madanpur P.S. Case No. 274 of 2018 (G.R. No. 1943 of 2018) registered for the offence punishable under sections 364, 302 and 34 of the Indian Penal code, section 27 of the Arms Act and section 17 of CLA Act.

The allegation as per the F.I.R. is that three persons namely, Amresh Singh Bhokta, Ajay Singh Bhokta and Vivek Yadav forcibly took away the husband of the informant. It is further stated that on the informant following the accused persons as also her husband, she saw gathering of 50 to 60



naxalites amongst which she identified seventeen persons including this petitioner. As a result of threats, the informant and others returned home. Subsequently, she heard about a firing taking place and one person having died. On reaching near the canal she identified the dead body to be that of her husband.

It is submitted by learned counsel for the petitioner that specific allegation in the FIR is against three persons and not against this petitioner. The only allegation against the petitioner is that he was a member of the mob. The petitioner is more than 65 years old and is suffering from old age ailments. Even as per the FIR he has not played any role in the occurrence nor has any incriminating article recovered from his possession. Further he has no criminal antecedent.

Having heard learned counsel for the petitioner as also learned A.P.P. for the State, taking into consideration the facts and circumstances of the case especially the fact that the petitioner is named in the FIR and the allegation being that the named accused persons as also others, were present where the husband of the informant was shot and killed, the court is not inclined to grant anticipatory bail to the petitioner.

The application for bail is rejected.



The petitioner is directed to surrender in the court below within six weeks. However, in case the petitioner surrenders within the aforesaid time the court below shall consider the application for bail without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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