

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35842 of 2019

Arising Out of PS. Case No.-321 Year-2018 Thana- DESARI District- Vaishali

RAJESH KUMAR SINGH @ RAJU SINGH Son of Shashi Kant Singh @
Shashi Singh Resident of Village- Rampur Kumahar Kole, P.S.- Desari,
District- Vaishali, Presently Residing at 01/05/44 Unit 11 Kharagpur (M),
West Midnapore West Bengal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shama Sinha
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-06-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Desari (Sardehi O.P.) Police Station Case No. 321 of
2018, disclosing offences under Sections 302/34 of the Indian
Penal Code read with Section 27 of the Arms Act.

The allegation against the petitioner, in the First
Information Report, is general and omnibus inasmuch as the
informant has lodged two written reports, one after another. The
first written report was filed on 09.12.2018, stating therein that
his brother was shot by some persons, named in the First
Information Report, but the name of this petitioner does not find
place in the written report, dated 09.11.2018. On 10.11.2018,



another written report has been submitted by the same informant in which the name of the petitioner finds place at serial no. 4.

Learned Counsel for the petitioner submits that filing of two written reports by the same informant regarding the same occurrence itself creates doubt regarding the accusation and shows the afterthought of the informant inasmuch as the first written report does not mention the name of the present petitioner and the name of the petitioner transpires in the second written report, filed 24 hours after the first one. Learned Counsel further submits that co-accused Babloo Singh, Vijay Kumar Singh, Mala singh and Pappu Singh, have been granted privilege of anticipatory bail by different orders passed by this Court.

Considering the submissions and in the facts and circumstances of the case, this application is allowed.

Let the petitioner, Rajesh Kumar Singh @ Raju Singh, in the event of his arrest or surrender before the Court below within six weeks, 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 Chief Judicial Magistrate, Hajipur, Vaishali, in connection with Desari (sardehi O.P.) Police Station Case No. 321 of 2018, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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