

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44741 of 2019

Arising Out of PS. Case No.-344 Year-2018 Thana- PANCHRUKHI District- Siwan

MANISH YADAV @ MANISH KUMAR, Aged about 26 years, Male, Son of
Arun Kumar Yadav @ Arun Kumar, Resident of Village - Bagaura, P.S.-
Daraunda, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-09-2019 Heard both sides.

The petitioner apprehends his arrest in Pachrukhi P.S.
Case No.344 of 2018, registered under Sections 302, 216 and
120(B) of the Indian Penal Code as well as under Section 27 of
the Arms Act.

The informant disclosed that he along with his
brother, deceased Sumeet Tiwary were working in Kamla
Aditya Construction Company as Munshi. The informant
disclosed that after seeing the photographs, the employees of the
company identified that Rohit Kumar Singh @ Sunny Singh,
Rahul Yadav and Vinod Singh had come and demanded
extortion. On 09.12.2018 when Sumeet Kumar Tiwary and Karn
Kumar, the operator of the JCB were coming on a motorcycle,



six persons, namely, Rohit Kumar Singh @ Sunny, Rahul Yadav, Vinod Singh, Amit Singh who happens to be the nephew of Chandan Singh, a dreaded criminal and two unknown persons surrounded his brother, Sumeet Kumar and fired on the head of his brother and the accused persons fled away.

Learned counsel for the petitioner submits that four persons are named in the FIR and the informant claimed to identify two persons. The petitioner is not named in the FIR. The name of the petitioner is said to have been disclosed by Amit Kumar Singh, the named accused in his confessional statement but the confessional statement of Amit Kumar Singh is Annexed as Annexure-2 and Amit Kumar Singh did not disclose the name of the petitioner. Name of six persons have already surfaced during the course of investigation but the police also suspected the name of the petitioner. It is further submitted that save and except the confession and suspicion, there is no material against the petitioner.

Learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

It appears from perusal of the FIR and the order of the learned Sessions Judge that the name of the petitioner surfaced in the case in para 59 and 60 of the case diary in confessional



statement of Amit Kumar Singh and Vinod Kumar Singh. Amit Kumar Singh and Vinod Kumar Singh are named accused. The informant claimed to identify the two unknown persons who were accompanying the four named accused who killed the brother of the informant on failure of payment of extortion. It is a case of murder for non-payment of extortion and the informant claimed to identify the remaining two persons who were accompanying the named four persons on two motorcycles at the time of murder.

Taking into consideration the seriousness of the offence and the fact that the investigation requires identification of the accused on TIP as the informant claimed to identify the two persons, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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