

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43499 of 2019

Arising Out of PS. Case No.-115 Year-2015 Thana- JALALPUR District- Saran

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GANESH KUMAR SINGH @ GANESH @ GANESH KUMAR @
GANESH SINGH, son of Mohan Singh, Resident of Village - G.S. Bangara,
P.S.- Jalalpur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pandey, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 30-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of **Jalalpur P.S. Case No. 115 of 2015**, disclosing the offence under Section 302 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner, though, not named in the First Information, his name surfaced in the further statement of the informant recorded under Section 161 of the Cr. P.C. He has submitted that petitioner's implication is based on suspicion only and there is no eye witness to the said occurrence. He has also argued that even in course of investigation, no material has been gathered to validly implicate the petitioner.

Learned Additional Public Prosecutor, on the other hand, referring to the case diary, has submitted that suspicion against the



petitioner is strong in view of the consistent statement of the witnesses taken by the Police in course of investigation.

Be that as it may, considering the Supreme Court's decision, in case of **Jai Prakash Singh Vrs. State of Bihar and Others**, reported in **(2012) 4 SCC 379**, I am not inclined to grant privilege of anticipatory bail to the petitioner.

The application is, accordingly, rejected.

The petitioner is directed to appear before the court below within four weeks from today and seek regular bail if so advised. If he does so, his application for regular bail shall be considered on its own merits without being prejudiced by present rejection of the application for anticipatory bail.

(Chakradhari Sharan Singh, J)

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