

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50143 of 2018

Arising Out of PS. Case No.-780 Year-2004 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Chandan Kumar Singh @ Chandan Kumar @ Chandan Singh son of Sri
Bisnudeo Singh resident of village - Jamalpur, P.S. Bihpur, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Sinha

For the Opposite Party/s : Mr.Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-02-2019 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in
Kotwali(Barari) P.S. Case No.780 of 2004 registered under
Sections 448, 324, 307 and 34 of the Indian Penal Code and
Section 27 of the Arms Act. Subsequently, Section 302 of I.P.C.
was added after the death of injured, daughter of the informant.

The mother of the deceased alleged that three persons
came and knocked her door. Her daughter, Soni Kumari went
near the gate, on such, Prakash Singh fired at her which hit on
her chest. Other two accused persons also fired.

The learned counsel for the petitioner submits that
name of the petitioner is not Prakash Singh. The case is of the



year 2004. During the course of investigation alias name of Prakash Singh is disclosed as Jangali Singh but the parentage was not disclosed. It has also come during the course of investigation in para 203 and onward that there were two Prakash Singh. The alias name of Prakash Singh is not Chandan Singh but the S.S.P., Bhagalpur on 27.12.2017 directed the investigating officer to arrest the named accused namely, Prakash Singh @ Jangali Singh @ Chandan Singh, son of Bisnudeo Prasad Singh of village Jamalpur, P.S. Bihpur, District Bhagalpur but there is no material on record to show that petitioner is also known as Prakash Singh but from perusal of the F.I.R. and the case diary, it appears that mother of the deceased named one Prakash Singh and two unknown persons as assailants of her daughter. From perusal of para 27 of the case diary, the injured-deceased disclosed that Prakash Singh @ Chandan Singh fired at her causing injury on her chest and thereafter, Prakash Singh @ Chandan Singh fled away on a motorcycle. The deceased disclosed the alias name of the petitioner and also disclosed that Prakash Singh had bad eyes on her daughter and he chided her. During the course of investigation, of course, some of the witnesses disclosed that there were two Prakash Singh but the identification of Prakash



Singh is required and that can be done only after arrest of the petitioner.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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