

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.79766 of 2018

Arising Out of PS. Case No.-80 Year-2018 Thana- KHAJANCHI HAT District- Purnia

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Suraj Kumar @ Suraj Singh @ Kumar Vishal, S/o Shree Prawesh Kumar
Singh @ Ram Prawesh Singh, Resident of Mohalla-Sukhnagar, P.S.-K. Hat,
Madhubani, Distt.-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 15-01-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Supplementary K. Hat P.S. Case

No. 80 of 2018, dated 12.02.2018, instituted for the

offences under Sections 341, 386, 307 and 506/34 of the

Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner, with

reference to the averments made in the F.I.R., has stated

that the petitioner has not been named in the F.I.R. and his



name transpired only during the course of confession. One Bittu Kumar Singh is said to have disclosed the identity of the petitioner before the informant and demanded protection money from him. He is also alleged to have opened fire without hitting anybody. It has further been submitted that all said and done, the name of the petitioner is only on the basis of confession and nothing more.

However, regard being had to the fact that the petitioner has been made accused in two other cases earlier to his implication in the present case, this Court is not inclined to grant him anticipatory bail.

The prayer for anticipatory bail of the petitioner is, therefore, dismissed.

However, on the information provided by Mr. Ajit Kumar Singh, the learned counsel for the petitioner that the main accused/Bittu Kumar Singh has been granted regular bail by the Court below, the petitioner is given the liberty to surrender before the Court below and pray for regular bail. Should such an application be filed, the Court below shall take into account that the person against whom serious



allegation has been raised, has already been granted bail by the Court below and, thereafter, shall pass orders in accordance with the law without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

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