

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75955 of 2018

Arising Out of PS. Case No.-261 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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Bhola Singh @ Shailendra Kumar S/o Late Surendra Singh, resident of
Village- Rawal Bigha, P.S.- Muffasil, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Advocate with Mr. Bhaskar Shankar, Advocate
For the informant	:	Mr. Ajit Kumar, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-01-2019 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned A.P.P.

The petitioner apprehends his arrest in Aurangabad
(Town) P.S. Case No.261 of 2018 registered under Sections 302
and other minor sections of the Indian Penal Code and under
Section 27 of the Arms Act.

The informant, own brother of the deceased, named
six accused persons including Vicky Giri, Pappu Kumar, Murari
Singh, Arbind Singh, Vivek Singh and Vishal Kumar and
alleged that Vicky and Arbind Singh were catching his brother.
The other accused person were exhorting to kill his brother.
Meanwhile, Vivek Singh handed over a pistol to Murari Singh
and Murari Singh fired at his brother resulting into death of the



brother of informant.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. One Vishal Kumar was apprehended on the spot but he did not disclose the name of petitioner. During course of investigation, one Shailesh Giri is said to have confessed his guilt but he too did not disclose about participation of the petitioner in the alleged killing of brother of the informant. It is further submitted that anticipatory bail petition of one Dheeraj Singh @ Dheeraj Kumar was dismissed as withdrawn and the case of this petitioner is quite different as the petitioner has got no criminal antecedent.

Learned counsel for the informant as well as learned Additional P.P. vehemently opposed the prayer for anticipatory bail but learned counsel for the informant could not show any discriminate material which shows the involvement of petitioner in the killing of the brother of informant.

Having considered the facts that the petitioner is not named in the F.I.R. and the name of this petitioner surfaced only on the basis of confessional statement of one Shailesh Giri but Shailesh Giri did not disclose about the participation of petitioner in killing the brother of informant, the petitioner, above named, in the event of his arrest or surrender before the



learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 C.J.M., Aurangabad in connection with Aurangabad (Town) P.S. Case No.261 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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