

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53649 of 2018

Arising Out of PS. Case No.-456 Year-2016 Thana- MASAUDHI District- Patna

Sunil Singh alias Mantu, Son of Ragho Prasad Singh, Resident of Village-
Kewara, P.S. Dhanarua, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-01-2019 No one appears for the petitioner. None for the State
is present.

This application has been preferred seeking anticipatory bail in connection with Masaurhi P.S. Case No. 456 of 2016 registered for the offences punishable under Sections 324/307/302/34 of the Indian Penal Code and under Section 27 of the Arms Act.

It is the case of the petitioner that the deceased Raj Kumar Singh alias Nehru Singh was a convict in Dhanarua P.S. Case No. 581 of 2000 under Section 302 of the Indian Penal Code and he was released on bail by the appellate Court after seven years in jail only on 23.09.2015 but after his release he was again indulging in criminal act. It further appears that in Paragraph 8 of the application it is stated that the deceased was



accused in Dhanarua P.S. Case No. 146 of 2000, Dhanarua P.S. Case No. 581 of 2000 and Dhanarua P.S. Case No. 33 of 2006 for the offence registered under Section 302 of the Indian Penal Code.

It further appears on perusal of the post-mortem report of the deceased that as many as three wounds were found on the dead body and three pellets were recovered by the Doctor conducting post-mortem report. The plea of the petitioner in the application is that one day before the alleged occurrence the deceased had himself lodged one F.I.R. on 21.10.2016 in which he had named the father and brother of the petitioner but had not named this petitioner for the reason that the petitioner is doing his business in Gurgaon, Haryana and on the alleged date when the deceased was attacked firstly on 21.10.2016 there was no question of presence of the petitioner in the village.

It is further found from records that the alleged occurrence in which the death was caused took place on 22.10.2016 at about 07:00 A.M. The case of the present petitioner is that he was not present. The emphasis of the petitioner in the application is that because he does not reside in the village, he had no occasion to participate in the alleged occurrence on 21.10.2016 and then on 22.10.2016. The fact that



this petitioner was not named by the deceased Raj Kumar Singh alias Nehru Singh in his F.I.R. dated 21.10.2016 there was no allegation of involvement of the petitioner in the alleged occurrence.

This Court has perused the case diary. It is found that the alleged occurrence took place more than two years back, there are as many as three injuries on the body of the deceased and three pellets have been recovered by the Doctor. The petitioner has moved this application for anticipatory bail only after two years. The plea of *alibi* could not impress upon this Court to grant him the benefit of anticipatory bail at this stage. In case the petitioner surrenders in the Court below within a period of four weeks from today and prays for regular bail, the Court below shall consider the same on the basis of the materials available on the record.

This application is disposed of in terms indicated hereinabove.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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