

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2879 of 2020

Arising Out of PS. Case No.-282 Year-2017 Thana- MIRGANJ District- Gopalganj

Prince Singh Son of Sri Devendra Singh Resident of Village - Kajipur, P.S.-
Uchkagaon, Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Mirganj P.S. Case No. 282 of 2017 registered for the offences
punishable under Sections 399, 402, 414 of the Indian Penal
Code and 25(1-b)a, 26, 35 of the Arms Act.

One Saddam Nut and three others were caught by the
police and the aforesaid Saddam Nut as well as other
apprehended accused disclosed the name of the petitioner and
three others. The informant claimed that petitioner and others
had assembled to make preparation for committing dacoity.
Some firearms were recovered from possession of other
accused.



Submission on behalf of the petitioner is that prior to registration of the present case, Hathua P.S. Case No. 65 of 2015, Hathua P.S. Case No. 91 of 2015 and Hathua P.S. Case No. 198 of 2015 were registered for the offence under Section 379 of the I.P.C. against unknown persons and petitioner was malafidely made accused in all the aforesaid three cases by the police only on the basis of so-called confessional statement of co-accused and furthermore, petitioner was also made accused in Kuchaikote P.S. Case No. 205 of 2016 that is too on the basis of confessional statement of co-accused. He further submits that when petitioner got bail in all the aforesaid cases, the police implicated the petitioner in the present case and as a matter of fact, petitioner was not present on the place of occurrence when other accused were arrested. He further submits that falsity of claim of informant fortifies with this fact that one Aftab was also made accused in the present case and it was shown in the written report that aforesaid Aftab fled away from the place of occurrence but as a matter of fact, the aforesaid Aftab was in jail in connection with Mairwa P.S. Case No. 297 of 2017 and he was released from jail on 13.06.2018 but even then he was made accused by the police in the present case.

Considering the aforesaid facts and circumstances as



well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XVI, Gopalganj in Mirganj P.S. Case No. 282 of 2017, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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