

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4793 of 2020

Arising Out of PS. Case No.-75 Year-2019 Thana- PANDARAK District- Patna

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Anant Kumar Singh @ Anant Singh, Male, aged about 58 years, Son of Late Chandradeep Singh, Resident of Village- Nadwan, P.S.- Barh, District- Patna, at present 1, Mal Road, P.S.- Sachiwalaya, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the State : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 11-06-2020 Heard Mr. Ajay Kumar Thakur, the learned counsel appearing on behalf of the petitioner and Mr. Ajay Mishra, the learned Additional P.P. through video conferencing.

The petitioner seeks bail in Pandarak P.S. Case No.75 of 2019, registered under Sections 341, 323, 504, 506 and 120B of the Indian Penal Code and under Sections 25(1-b)a/26/35 of the Arms Act. Charge sheet was submitted under Sections 212, 216, 115 and 120B of the Indian Penal Code and under Sections 25(1-b)a/26/35 of the Arms Act.

The informant, a police officer, alleged that in course of patrolling on 15.07.2019, the informant got secret information that 3-4 criminals having armed with firearms came with a view to kill someone and they were roaming around. On



such information, a raid was conducted near S.B.I., Pandarak. There was some commotion and many people had assembled there. Three persons were apprehended by the villagers who disclosed their names as Golu Kumar, Md. Chhotu and Chhotu @ Rajbir Kumar. Arms and ammunitions were recovered from the apprehended accused. The apprehended accused disclosed that Anant Singh, MLA of Mokama, directed to kill Bhola Singh and his brother Mukesh Singh. Lallu Mukhiya is said to have asked his brother Ranvir Yadav and Chandan Singh to drop the apprehended accused near the place of occurrence.

Mr. Ajay Kumar Thakur, the learned counsel for the petitioner submits that firstly Lallu Mukhiya is said to have asked his brother Ranvir Yadav to drop the apprehended accused near S.B.I. There is nothing on record to show that the petitioner played any role in hatching up a conspiracy. The petitioner is an M.L.A. of Mokama. Some audio visual recording has been made but from perusal of the audio, it would appear that there is nothing on the entire conversation that the petitioner was instructing anybody to kill. One mobile number, i.e., 7543934057 has been written in the case diary but it has not been investigated that who is the owner of the SIM number. It is further submitted that with whom the petitioner was doing



conversation has also not been investigated. The petitioner never instructed anybody to kill anybody. The Investigating Officer has not investigated nor trace out the mobile number on which the petitioner was instructing anybody. It is further submitted that almost all the accused persons, namely, Purushottam Kumar @ Chandan Singh in Cr. Misc. No.59303 of 2019, Ranvir Kumar @ Ranvir Yadav in Cr. Misc. No.57988 of 2019, Karnvir Singh @ Karnvir Singh Yadav @ Lallu Mukhia in Cr. Misc. No.71512 of 2019 and Golu Kumar, who was apprehended at the spot, in Cr. Misc. No.16957 of 2020 have been granted bail by this Court. The petitioner is remanded in this case and he is rotting in jail for more than nine months. Of course the petitioner has got criminal antecedents but there is no material to show that the petitioner instructed anybody to kill any person and any action was taken in pursuance of such instruction. Even the accused persons, who were apprehended with arms and ammunitions, did not fire even a single shot on anybody hence, the petitioner deserves bail.

Mr. Ajay Mishra, the learned Additional P.P. submits that the petitioner is rich in criminal antecedents and he has got more than 50 criminal cases pending against him and this fact itself shows that almost the petitioner has got reign of terror in



his locality by his brute force. In the present case, it has come in para 20 of the case diary and the entire conversation of the petitioner was recorded but it has not come that the petitioner was instructed whom with what object and the instruction given by the petitioner to kill whom. Voice of the petitioner was recorded by the FSL but the report has not yet been received hence, the petitioner does not deserve bail.

It appears from the records that the only allegation against the petitioner is that the petitioner instructed someone to kill someone. It has not come in the entire case diary that the petitioner instructed and entrusted whom to kill whom. Golu Kumar and two other persons were apprehended by the police on the spot and from their possession arms and ammunitions were recovered but Golu Kumar has already been enlarged on bail. Save and except the confessional statement of the apprehended accused that the petitioner had instructed Lallu Mukhiya to kill someone and brother of Lallu Mukhiya dropped him, there appears scant material to show the fact that the petitioner had instructed anybody to kill someone. The petitioner is in jail for the last nine months.

Considering the facts aforesaid, petitioner, namely, Anant Kumar Singh @ Anant Singh 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
the learned Special Judge for M.L.A. & M.P.-cum-A.C.J.M.-I,
Patna in connection with Pandarak P.S. Case No.75 of 2019.

(Prabhat Kumar Jha, J)

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