

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4794 of 2020

Arising Out of PS. Case No.-389 Year-2019 Thana- BARH District- Patna

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Anant Kumar Singh, Male, aged about 58 years, S/o Late Chandradeep Singh,
R/o village Nadawan, 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 : Mr. Kanhaiya Prasad Singh, Sr. 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. Kanhaiya Prasad Singh, the learned Senior
Counsel appearing on behalf of the petitioner and Mr. Ajay
Mishra, the learned Additional P.P. through video conferencing.

The petitioner seeks bail in Barh P.S. Case No.389 of
2019, registered under Sections 414 and 120(B) of the Indian
Penal Code, Sections 25(1-A) 25(1-AA) 25(1-B) A/25 (1-B) C,
26/35 of the Arms Act, Sections ¾ of the Explosive Substance Act
as well as under Section 13 of the U.A.P. Act.

The S.H.O. of Barh P.S., Sanjeet Kumar in his self
recorded statement alleged that on 16.08.2019 at about 03.50 in
the morning, he got information that Anant Kumar Singh, M.L.A.
kept illegal arms, ammunitions and explosives in his house
situated in village Nadawan. Such information was given to the
adjoining P.S. with a direction to come to the house of the M.L.A.



All police officials came and surrounded the house. The informant further gave information to the senior police officials for deputation of a Magistrate for raiding the house. At 10.45 A.M., Amrendra Kumar Singh, the Block Development Officer, Barh, who was deputed as Magistrate for raiding the house, also came there. The villagers disclosed that Sunil Ram, son of late Dukhi Ram, who is care taker of the house and the keys of the house are with him. Sunil Ram was looking after the animals and farming of the M.L.A. The villagers pointed out that Sunil Ram was roaming around the house. On such, Sunil Ram was apprehended and he was asked to open the door. The police requested the villagers to be witness of the search but none of the villagers became ready to be witness of opening the house. In absence of any villagers coming forward to be witness of search and seizure, the police officials were made witnesses in presence of Sri Amrendra Kumar Sinha, the Block Development Officer, who was deputed as Magistrate. During the course of search, AK-47 rifle, one loaded magazine, on being unloaded 26 cartridges (7.62 MM) were found. 4 cartridges were of OFV 09 A7. One plastic bag was also found behind the iron almirah in which two grenades were recovered in presence of Explosive Disposable Squad.

Mr. Kanhaiya Prasad Singh, the learned Senior Counsel submits that the police reached at the house of the petitioner at



4.30 A.M. The Magistrate arrived at the place of occurrence at 10.45 A.M. but seizure list was prepared only at 7.45 P.M. and this fact itself shows the transplantation of the arms and ammunitions. It is further submitted that the petitioner is an M.L.A. and he has been M.L.A. for more than four terms. The petitioner never visited his ancestral house situated in village Nadawan after 2004. None of the witnesses examined during the course of investigation has come forward to say that the petitioner has visited his ancestral house any time after 2004. Mr. Singh, the learned Senior Counsel further submits that the wife of the petitioner fought parliamentary election of 2019. The petitioner demanded ticket for parliamentary election from Munger constituency from his party J.D.U. This request of the petitioner angered his party boss and thereafter at the instance of the ruling party, many frivolous cases have been registered. It is further submitted that the wife of the petitioner fought parliamentary election from Munger constituency in 2019 against J.D.U. candidate, Mr. Rajiv Ranjan Singh @ Lalan Singh. During the election, Lipi Singh, ASP, Barh and the entire machinery was activated to facilitate prospects of the ruling government candidate and Lipi Singh was directly involved in lodging frivolous cases under IPC and Arms Act against the supporters of the petitioner. Lipi Singh was the Investigating Officer of the case. The wife of the petitioner lodged complaint



before the Election Commission against Lipi Singh. The Election Commission on enquiry found the allegation true and transferred Lipi Singh from the post of A.S.P., Barh. After the election was over, the State Government again posted Lipi Singh as A.S.P, Barh. Thereafter a conspiracy was hatched up to rope the petitioner in a criminal case and the petitioner was roped and implicated in a case of false recovery of prohibited arms. Mr. Singh, the learned Senior Counsel further submitted that although the petitioner has got criminal antecedents and about 30 criminal cases are pending against the petitioner but the petitioner has already been acquitted or final form has been submitted against the petitioner in more than 30 cases. The petitioner is in jail since 23.08.2019. The petitioner has already remained in jail for more than nine months. Hence, the petitioner deserves bail.

Mr. Ajay Mishra, the learned Additional P.P on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the house of the petitioner was searched in presence of the Magistrate. One AK-47 rifle, 26 live cartridges which were loaded in the magazine of AK-47 all of 7.62 MM, two live grenades usually used by Army were recovered from the house of the petitioner. The statement of the Magistrate was recorded in para 4 of the case diary. The petitioner by criminal record is a big name in Mokama locality falling in the district of Patna and



nobody could dare to say even a word against Anant Kumar Singh, the petitioner. The criminal records of the petitioner shows that if anybody raised any objection against the M.L.A., he would have been killed. It is further submitted that from paragraph 42 and 85 of the case diary, almost all the villagers although they became anonymous disclosed that Anant Kumar Singh, M.L.A. regularly used to visit his ancestral house. The *Shradh* ceremony of his elder brothers, Dilip Singh, former M.L.A. and Minister in the State of Bihar and Sachchidanand Singh was also performed in the village. Anant Kumar Singh also performed marriage of his daughter from his ancestral house and he remained in the house for months. The seized arms and ammunitions were sent to FSL. From paragraph 165 and 166 of the case diary, it would appear that the FSL found that AK-47 rifle and cartridges were effective. Firing was earlier also made from AK-47 rifle as it has come in chemical examination. The grenades were found effective and same were highly explosive. It is further submitted that the criminal antecedents of the petitioner is incorporated in para 10 of the case diary. There are 53 criminal cases pending against the petitioner and most of the criminal cases are registered under Sections 302, 364, 363, 386, 387 and other sections of the Indian Penal Code and the Arms Act. Nobody can dare to depose against the petitioner in the entire locality and the natural consequence of such terror is



acquittal of the petitioner. From para 154 of the case diary, it would appear that one INSAS rifle was recovered from the government residence of the petitioner and for which Sachivalaya P.S. Case No.54 of 2015 was registered. INSAS rifle is also in the category of prohibited arms. Hence, the petitioner does not deserve bail.

Perused the FIR and the case diary. The S.H.O. of Barh P.S. got secret inputs and on the basis of which he informed all the police officials of the vicinity to come at the residence of the petitioner situated in village Nadawan. One Magistrate was also deputed for search and seizure of the house of the petitioner. Sunil Ram was apprehended who is care taker of the house of the petitioner. Of course the wife of the petitioner unsuccessfully fought parliamentary election from Munger parliamentary constituency. Lipi Singh, the then A.S.P. was transferred at the instance of the wife of the petitioner by the Election Commission but it does not appear in any way that Lipi Singh is instrumental in raiding the house of the petitioner. From the house of the petitioner AK-47 rifle, loaded magazine containing 26 live cartridges and two grenades of military use were recovered and all the arms recovered are found effective. All the recovered arms are prohibited and not in use for the common people. It appears that the petitioner has got criminal cases and he is a big name in the



crime world. The name of the petitioner itself is sufficient that nobody would raise any voice against the petitioner.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Senior Superintendent of Police, Patna is directed to ensure the attendance of the prosecution witnesses so that the trial must be concluded within nine months.

(Prabhat Kumar Jha, J)

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