

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8172 of 2020

Arising Out of PS. Case No.-154 Year-2015 Thana- ALAMNAGAR District- Madhepura

ADHIN SINGH S/o Jageshwar Singh Resident of Village-
Gangapur, Kachahari Tola, P.S.- Alamnagar, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar
Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Ashok Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Alamnagar P.S. Case No. 154 of 2015 for the offence registered under Sections 302, 201/34 of the Indian Penal Code.

The case of the prosecution in brief is that on 21.10.2015 at about 9:00 p.m., the informant is stated to have got a telephonic call from her husband that he would return back



home after sometime but he did not return till late night. The informant is stated to have searched her husband on the next day, however, she could not get any clue about the whereabouts of her husband. On 23.10.2015 at about 8-9 a.m., the informant got an information that a dead body was lying in the water under the bridge of Sonamukhi Road whereafter she had reached there and had identified the dead body of her husband. The informant is stated to have named five accused persons including the petitioner herein, alleging that they had killed her husband by shooting him and had then thrown his dead body in the water.

The learned counsel for the petitioner by referring to paragraph no. 5 of the present petition has submitted that after the police had investigated the case, it had filed two charge sheet i.e. charge sheet no. 19/16 dated 18.07.2016 and charge sheet no. 45/16 dated 09.11.2016 against the co-accused persons, however, the petitioner was found to be innocent. Nonetheless, the learned S.D.J.M., Udakishunganj had differed with the police report and had taken cognizance for the offences under Section 302, 201, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act against all the accused persons including the petitioner herein by an order dated 20.12.2018. It is further submitted that there is no eye witness to the



occurrence and as far as the petitioner is concerned, there is no material on record to connect him with the alleged occurrence. Lastly, it is submitted that similarly situated co-accused person, namely, Vilas Rai has been granted bail by a coordinate Bench of this Court vide order dated 26.09.2016 passed in Criminal Misc. No. 33520 of 2016. It is further submitted that two other co-accused persons, namely, Pappu Mnadal and Dilip Singh have also been granted bail by coordinate Bench of this Court vide orders dated 17.02.2017 and 16.03.2017 passed in Criminal Misc. No. 54271 of 2016 and Criminal Misc. No. 55520 of 2016, respectively.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case as also taking into account the parity of the case of the petitioner with that of the co-accused persons, who have been granted bail by coordinate Benches of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his



arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Udakishungaj, Madhepura in connection with Alamnagar P.S. Case No. 154 of 2015 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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