

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16947 of 2020

Arising Out of PS. Case No.-75 Year-2015 Thana- NAVINAGAR District- Aurangabad

CHHOTU KUMAR SINGH @ ALOK KUMAR SINGH Son of Binod Singh
@ Vinod Singh Resident of Village - Karamdih (Karmdih), P.S. - Nabinagar,
Dist. - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2020

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 Mrs. Anita Kumari Singh, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Nabinagar P.S. Case No. 75 of 2015 for the offence punishable under Section 302 of the Indian Penal Code read with section 27 of the Arms Act.

The case of the prosecution, in brief is that on 10.06.2015 at about 12 in the night, *Jaimal* ceremony was



taking place during the course of marriage of the daughter of one Awadhesh Singh, resident of the village of the informant. It is further alleged that the informant along with his younger brother namely Raju Thakur and others were watching the said ceremony, however, suddenly, a loud noise was heard and the informant saw that one Shami Singh @ Binod Singh was firing with his small gun and the gun shots had hit the younger brother of the informant in his rib, whereafter the said Raju Thakur was taken to the Doctor, however, upon reaching the clinic of the doctor, the doctor declared him to have already expired.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and has got no complicity in the matter. It is further submitted by referring to paragraph no. 9 of the present petition, that the police had submitted charge sheet only against the co-accused person namely Shami Singh and he is already facing trial, however, on 01.08.2019, an application was filed on behalf of the prosecution under Section 319 Cr. P.C. whereafter the learned trial court has summoned the petitioner to stand trial along with the said Shami Singh, however, without any evidence on record. It is thus the submission of the learned counsel for the petitioner that the



police upon investigation has not found the petitioner to be having any complicity in the matter, hence *prima facie* the petitioner deserves to be granted benefit of doubt for the purposes of grant of anticipatory bail. It is also submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of anticipatory bail.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the charge sheet was filed by the police only against Shami Singh and moreover a bare perusal of the FIR also discloses the fact that the said co-accused person namely Shami Singh is the one who has been alleged to have fired gun shots which had hit the younger brother of the informant, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to certain conditions, which are being enumerated herein below.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks



from today, the petitioner, above-named shall be enlarged on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Aurangabad in connection with Nabinagar P.S. Case No. 75 of 2015.

It is further directed that the petitioner shall appear before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week as also before the learned court below on each and every date so fixed in the pending trial and in the event of his failure on two consecutive occasions to mark his presence either before the S.H.O. of the concerned Police Station or before the concerned court below, the present privilege of anticipatory bail shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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