

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16742 of 2020**

Arising Out of PS. Case No.-489 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SANJAY SINGH @ SANJAY PRASAD SINGH @ MUNNA SINGH Son of
Rambabu Singh Resident of Village - Mohanpur, P.S.- Muffasil, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, App

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 11-09-2020

This case has been heard through video conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 147, 148,
149 and 302 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case as lodged by the informant is
that on 19.09.2019 the informant along with his nephew Navin
Kumar were returning by Bolero vehicle from a feast organized
in Mohanpur village and when they reached near Birendra
Singh Dwar at Mohanpur then the petitioner along with other
known and unknown criminals stopped his vehicle by standing



in front of it. Thereafter, the accused Sanjay Singh Alias Munna Singh and Rajeev Kumar pulled out his nephew Navin Kumar from the vehicle. No sooner, he came out from the vehicle, then the accused Raushan Kumar alias Madha and Rajesh Kuar alias Phuchha fired with pistols targeting Navin Kumar. Navin Kumar suffered injury and fell down. Thereafter, the accused Raushan Kumar fired from pistol on informant. In the meantime, other people returning from the feast arrived then the petitioner along with other criminals ran away.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to land dispute. He submits that allegation against the petitioner as per FIR is that he along with other co-accused had fired indiscriminately upon the nephew of the informant but as a matter of fact entire F.I.R. is concocted as there are lots of contradiction in the probability of the incident in fact no such occurrence ever took place as narrated in the F.I.R. He submits that the deceased himself was a veteran criminal and large number of cases are pending against him as stated in para-10 of the bail application and para-46 of the case diary. He submits that as per police, they got information about the alleged occurrence on 19.09.2019 at about 6.30PM so if the prosecution



story is believed to be true then how come the police knew about the incident at 6.30PM as stated by police in spite of the time of the occurrence being 9.00PM as per informant, hence this fact alone is sufficient to prove the falsity of prosecution case. He submits that information of the incident has been given by the informant on 20.09.2019 at about 3.30AM as mentioned in the FIR and this delay was utilized for concoction of story against the petitioner and his family. He submits that seizure list prepared by the police on 20.09.2019 at about 2.15AM that is before lodging of this instant FIR that too in contravention of Section 100 of Cr.P.C. nevertheless the police has seized 7 khokhas of bullet and blood sample from the place of occurrence but surprisingly the Bolero car which is very important in the said prosecution case has not been seized nor even a single line has been mentioned about it. He further submits that petitioner is a handicapped person and is respectable person of the society and bears no criminal antecedent.

Considering the facts and circumstances of the case and perusing the case diary as well as the case record, it appears that the process under Sections 82 and 83 of Cr.P.C. has already been completed, hence the present petition for anticipatory bail



has now become infructuous.

Accordingly, this application is dismissed as infructuous.

However, the learned court below is directed to consider the regular bail application of the petitioner on the same day without being prejudiced by this order according to law.

(Anjani Kumar Sharan, J)

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