

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74258 of 2019

Arising Out of PS. Case No.-183 Year-2018 Thana- BAHADURPUR District- Patna

PINKU @ NAMIT @ NAMIT KUMAR SINGH Son of Anil Kumar Singh,
C/O- Mahendra Singh Resident of Mohalla- Bahadurpur, P.S. Bahadurpur,
Town and District of Patna Sadar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Markandeya Singh, Advocate

Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-01-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Vide order dated 06.01.2020 the matter was directed to be listed under the heading “For Admission – Fresh Cases”, however it has been wrongly listed under the heading for ‘Office Notes’ but with consent of the parties the matter has been taken up for consideration.

Learned counsel for the petitioner at the outset submits that the defect no. 4 was with regard to providing the typed copy of Annexure ‘4’ series, however at this stage he is not referring the same.

The petitioner in the present case is seeking regular bail in connection with Bahadurpur P.S. Case No.



183 of 2018 registered under Sections 302 of the Indian Penal Code and under Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the First Information Report has been lodged by father of the deceased who has specifically stated that the deceased had disclosed the name of one Golu Kumar who had fired shot at him as a result whereof ultimately the son of the informant died. It is stated that the name of the petitioner and some other accused persons are said to have come in the confessional statement of said Golu Kumar, however save and except that there is no other material against the petitioner. Emphasis has been given on Annexure '2' series which are the order passed by the learned coordinate Bench of this court to submit that in fact the similarly situated accused have been granted anticipatory bail in Cr. Misc. No. 78608/2018 and Cr. Misc. No. 7053/2019. It is submitted that this petitioner is in custody for six months.

Learned A.P.P. for the State submits that although the name of this petitioner has come in the confessional statement of the co-accused, however it is a matter of record that some other co-accused whose name had also transpired



in the confessional statement have been granted privilege of anticipatory bail by learned coordinate Bench of this court.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of the co-accused, however there is no allegation of firing against him and similarly situated co-accused have been granted anticipatory bail by learned coordinate Bench of this court and the petitioner is languishing in jail for six months, let the above-named petitioner be released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M – II, Patna City, in connection with Bahadurpur P.S. Case No. 183 of 2018, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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