

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63195 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- CHAUTHAM District- Khagaria

SUBHASH SINGH Son of Late Udit Singh Resident of Village - Mohanpur,
P.S.- Choutham, Distt - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 16-06-2020 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, Sri Viveka Nanadsingh and Sri Manoj Kumar, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Choutham P.S. Case No. 91 of 2019 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The case of the prosecution in brief is that on 21.4.2019 at about 7:00 AM. in the morning, the grandson of the informant, aged about six years, had gone to the orchard with his



grandmother, whereafter he had come back to the field of the informant and the grandmother had gone back to her home. Subsequently, the grandson of the informant was found missing and the informant along with his family members started searching and ultimately, the dead body of the grandson of the informant was recovered from the field. It is further alleged that the petitioner and other accused persons had killed the grandson of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case, merely on the basis of suspicion. It is further submitted that there is no material on record to connect the petitioner with the alleged crime.

Per contra, the learned APP for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner herein and has submitted that a bare perusal of the case diary would show that the witnesses have named the petitioner and other accused persons of committing the murder of the grandson of the informant. Paragraph no. 66 of the case diary has been referred to by the learned APP to show that the witness, Mahadev Singh, has stated in his statement made before the police that on the date and time of occurrence, he was cutting



grass in the corn field when he saw that the accused person, namely, Sonu Kumar, had taken the deceased, Om Kumar, towards the corn field while making him eat biscuits and along with him, the other accused persons including the petitioner herein had also entered into the corn field, however, when they came out, the deceased, Om Kumar, was not with them, hence, it is submitted that the petitioner is definitely having complicity in the matter.

Having regard to the facts and circumstances of the case, considering the materials available on record as also in the case diary and taking into account the fact that the witnesses have pointed towards the complicity of the petitioner in the alleged crime, apart from the fact that the petitioner is having a criminal antecedent, I do not find the present case to be a fit case to extend the privilege of anticipatory bail to the petitioner herein, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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