

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70266 of 2019

Arising Out of PS. Case No.-85 Year-2018 Thana- MALAYPUR District- Jamui

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OM SINGH @ OM KUMAR SINGH S/o Bhola Singh Resident of Village-
Chouhandih, P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Adv. Mr. Manoj Kumar Mr, Shashi Kumar
For the Opposite Party/s :		Mr.Md. Mushtaque Alam
For the informant	:	Mr. Rakesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-03-2020 Heard learned Senior Counsel for the petitioner,

learned Counsel appearing on behalf of the informant and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Malaypur Police Station Case No. 85 of 2018, disclosing
offences under Sections 302/120B/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The petitioner is not named in the First Information
Report.

The prosecution story is that two persons came on a
motorcycle and fired upon one Dhananjay Singh, resulting into
his death. It has further been alleged that while fleeing away, the



assailants raised slogan of “ANIL SINGH JINDABAD” and also said that work of Anil Singh has, now, been completed.

Learned Senior Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and is not named in the First Information Report. He further submits that the name of the petitioner has transpired in course of investigation on the basis of the confessional statement made by co-accused that this petitioner is the driver of Anil Singh and at the behest of Anil Singh, he was involved in the conspiracy for commission of the crime in question. He, referring to Annexure-2 to this application, submits that the alleged main conspirator Anil Kumar Singh has been granted anticipatory bail by this Court by order dated 16.07.2019, passed in Criminal Misc. No. 8711 of 2019.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that in paragraph 56 of the case diary, the confessional statement of co-accused Lalan Singh has been recorded, in which he has stated that this petitioner was working as liner and had identified the deceased to the assailants.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the



petitioner is not named in the First Information Report and similarly situated co-accused Anil Kumar Singh has been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Malaypur Police Station Case No. 85 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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