

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2466 of 2020**

Arising Out of PS. Case No.-159 Year-2014 Thana- DIGHWARA District- Saran

ANIL PANDEY @ BABA @ ANIL SINGH S/o Late Dharikshan Singh  
Resident of Village- Shitalpur, Kothi, P.S.- Dariyapur, District- Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

|                            |   |                                                                                                       |
|----------------------------|---|-------------------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Sandeep Kumar, Advocate<br>Mr. Alok Kumar @ Alok Kr Shahi, Advocate<br>Mr. Arvind Kumar, Advocate |
| For the Opposite Party/s : |   | Mr.Jagdhar Prasad, APP                                                                                |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

4      20-03-2020                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner in the present case is seeking regular bail in connection with Dighwara P.S. Case No. 159 of 2014 registered for the offence punishable under Sections 302 and 394 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that this petitioner is not named in the first information report. In the FIR the informant who was allegedly accompanying the deceased has stated that the three miscreants aged about 25-30 years were involved in looting of money and after firing on the deceased they fled away.

Learned counsel for the petitioner submits that this petitioner is aged about 53 years, therefore, at the first instance the description given by the informant does not fit in respect of



this petitioner. The petitioner has not been identified by the informant or by any other person and the co-accused Bhishan Rai @ Bhisham Rai and Akash Kumar on whose confessional statement name of the petitioner has transpired have been granted regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 29036 of 2015 and 54948 of 2015 respectively. It is submitted that the charge-sheet has already been submitted against the petitioner and the trial is pending.

Learned APP has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein the petitioner is not named in the FIR, he has not been identified and the co-accused on whose confessional statement the name of the petitioner has transpired have been granted regular bail by a learned co-ordinate Bench of this Court, investigation against the petitioner is complete and it is not the submission of the prosecution that the release of the petitioner is likely to interfere with the course of trial or otherwise the petitioner is likely to tamper with the evidence, let the petitioner above-named be released on bail on furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-V, Saran, Chapra in connection with Dighwara P.S. Case No. 159 of 2014, subject to the conditions as laid down under Section 437(3) of the 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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