

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5274 of 2019

Arising Out of PS. Case No.-175 Year-2019 Thana- PATAHI District- East Champaran

BIRENDRA SINGH Son of Late Shiv Shankar Singh Resident of Village -
Kumharar, P.S.- Phenhara, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-01-2020 Appellant seeks pre-arrest bail in connection with Patahi P.S.Case No. 175 of 2019 registered for the offences punishable under Sections 302, 394, 120B of the Indian Penal Code, Section 27 of the Arms Act and Section 3 (ii)(v)(r)(s) x of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per FIR it is alleged that when informant along with his father was returning on a motorcycle some unknown miscreants fired at his father due to which he received injuries and he was taken to hospital where he died. Appellant is not named in the FIR and later on in the confessional statement of two co-accused persons his name transpired.

Submission of learned counsel for the appellant is that except confessional statement of co-accused there is nothing



against him and even in the confessional statement no allegation of firing or any overt act has been attributed against him.

Heard learned counsel for the State, who has opposed the prayer for anticipatory bail of the appellant on the ground that the case is under Section 302 IPC and name of appellant has transpired in the confessional statement of co-accused.

Having heard both sides and in the facts and circumstances, as stated above, the appeal is disposed of with direction to the appellant to surrender and pray for regular bail, which shall be considered by learned Special Judge on the basis of materials available on the record and, if possible, to be disposed of on the same day.

(Vinod Kumar Sinha, J)

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