

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7096 of 2020

Arising Out of PS. Case No.-157 Year-2019 Thana- MAHUA District- Vaishali

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Santosh Kumar @ Nini [Male] aged about 35 years, Son of Sri Ramashish Singh , Resident of Village- Panpura, P.S.- Dhanarua, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 07-07-2020 Heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner and Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with Mahua P.S. Case No. 157 of 2019 registered for the offence under Section 394/ 302/34, 396, 397 of the I.P.C. and Section 27 of the Arms Act.

The allegation against the petitioner as per the First Information Report stating therein that the brother of the informant namely Manoj Kumar Singh was working as Homeguard in Vaishali District Police Force and was posted at Mahua Electricity Board at the relevant point of time. It has further been alleged that on 14.03.2019 at 4.15 P.M. the brother



of the informant and one Birendra Rai, Homeguard Constable, went to Central Bank, Mahua along with the Cashier of Mahua Electricity Board in order to deposit money in the Bank. After depositing the cash the said Manoj Kumar Singh and Birendra Rai came out of the Bank and sat in the vehicle. In the meanwhile, four accused persons surrounded them and they tried to snatch the bag. It is further stated that when brother of informant Manoj Kumar Singh and Birendra Rai protested against the act of loot of the accused persons, they fired upon Manoj Kumar Singh and Birendra Rai and fled away from the place of occurrence after snatching the bag. As a result of firing made by the accused persons both Constables i.e. brother of the informant Manoj Kumar Singh and Birendra Rai died during the course of treatment.

Learned senior counsel for the petitioner submits that petitioner has not committed any offence inasmuch as the petitioner is not named in the F.I.R. and no incriminating articles have been recovered from the possession of the petitioner. It has further been alleged that the name of the petitioner transpired in this case on the basis of confessional statement made by co-accused Sippa Kumar. Learned senior counsel further submits that the petitioner is in custody since 22.06.2019.



Having regard to the submissions made by the parties and taking into consideration the fact that altogether thirteen cases are pending against petitioner for offences committed by him under Sections 392, 399 and various other section of the I.P.C. and Section 25(1-b)a, 26/35 of the Arms Act, it is evident that petitioner is a habitual offender. A report was called for from the learned court below which has been furnished by learned Judicial Magistrate 1st Class, Vaishali at Hajipur vide her letter no. 33 / 2020 dated 11.06.2020 and from perusal of the same it appears that the case is fixed for commitment before the court of learned Judicial Magistrate 1st Class and the next date fixed is 16.06.2020. Accordingly, I am not inclined to grant regular bail to the petitioner. However, the petitioner may renew his prayer for bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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