

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36409 of 2021

Arising Out of PS. Case No.-389 Year-2019 Thana- BARH District- Patna

=====

Anant Kumar Singh @ Anant Singh, Son of Late Chandradeep Singh,
Resident of Village Nadawan, P.S. Barh, District Patna, at Present 1, Mal
Road, P.S. Sachiwalaya, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate
For the State : Mr. Ajay Mishra, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-10-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner and Mr. Ajay Mishra, learned Additional Public

Prosecutor for the State.

The petitioner seeks bail in Barh P.S. Case No.389 of
2019, registered for the offences punishable under Sections 414
and 120(B) of the Indian Penal Code, Sections 25(1-A) 25(1-
AA) 25(1-B) A/25 (1-B) C, 26/35 of the Arms Act, Sections 3/4
of the Explosive Substance Act as well as under Section 13 of
the U.A.P. Act.

The S.H.O. of Barh P.S., Sanjeet Kumar in his self
recorded statement alleged that on 16.08.2019 at about 03.50 in
the morning, he got information that Anant Kumar Singh,
M.L.A. kept illegal arms, ammunitions and explosives in his



house situated in village Nadawan. Such information was given to the adjoining P.S. with a direction to come to the house of the M.L.A. All police officials came and surrounded the house. The informant further gave information to the senior police officials for deputation of a Magistrate for raiding the house. At 10.45 A.M., Amrendra Kumar Singh, the Block Development Officer, Barh, who was deputed as Magistrate for raiding the house, also came there. The villagers disclosed that Sunil Ram, son of late Dukhi Ram, who is care taker of the house and the keys of the house are with him. Sunil Ram was looking after the animals and farming of the M.L.A. The villagers pointed out that Sunil Ram was roaming around the house. On such, Sunil Ram was apprehended and he was asked to open the door. The police requested the villagers to be witness of the search but none of the villagers became ready to be witness of opening the house. In absence of any villagers coming forward to be witness of search and seizure, the police officials were made witnesses in presence of Sri Amrendra Kumar Sinha, the Block Development Officer, who was deputed as Magistrate. During the course of search, AK-47 rifle, one loaded magazine, on being unloaded 26 cartridges (7.62 MM) were found. 4 cartridges were of OFV 09 A7. One plastic bag was also found behind the iron *almirah* in



which two grenades were recovered in presence of Explosive Disposable Squad.

Mr. Ajay Kumar Thakur, learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The prayer for bail of the petitioner was earlier rejected vide order dated 11.06.2020, passed in Cr. Misc. No. 4794 of 2020 and the order of rejection was upheld by the Hon'ble Supreme Court. It is submitted that all the prosecution witnesses having been examined including the Investigating Officer and the case is pending only for recording the statement of the victim and other defence witnesses under Section 313 Cr.P.C. The police after investigation submitted charge sheet. Learned counsel for the petitioner submits that the place of occurrence does not belong to the petitioner. It is further submitted that the petitioner has been implicated in the present case at the instance of Viveka Pahalwan as Viveka Pahalwan had killed one Umesh Ram and also tried to kill the accused petitioner for which Viveka Pahalwan was sentenced to undergo life imprisonment. It is submitted by learned counsel for the petitioner that Sunil Ram was not present near the place place of occurrence rather he was arrested from his house and neither any key nor any



incriminating article was recovered from his conscious possession. It is further submitted by learned counsel for the petitioner that the Investigating Officer has stated that after the charge of investigation was given to her, she went to the alleged place of occurrence and inspected the place but she has not stated as to how she entered into the said place of occurrence or whether it was a locked house/room or it was completely barren. It is also submitted that except an iron almirah and the said seized articles, no other material was found on the place of occurrence. During the entire investigation, no witness has stated that he saw the petitioner in the village in question on the date of occurrence. The investigating agency on its own has stated that the villagers stated that on the eve of Shradh of his two brothers or at the time of marriage of his daughter, petitioner was present in the village ignoring the fact that Shradh ceremony of his two brothers was performed in the year 2006 and 2009 and marriage of the daughter was performed in the year 2015. It is also submitted that the seizure list witnesses are the police personnel. During investigation, the police did not try to obtain information about the seized firearm from its manufacturing company. It is further submitted that the petitioner is seriously ill in jail custody and the Medical Board



opined about the illness of the petitioner. It is further submitted that the petitioner was implicated in large number of cases, as stated in paragraph 3 of the bail petition, but he has not been convicted in any case till date. There is no likelihood of the trial being concluded in near future and the petitioner is languishing in custody since 25.08.2019.

On the other hand, Mr. Ajay Mishra, the learned Additional P.P vehemently opposed the prayer for bail of the petitioner and submits that the house of the petitioner was searched in presence of the Magistrate. One AK-47 rifle, 26 live cartridges which were loaded in the magazine of AK-47 all of 7.62 MM, two live grenades usually used by Army were recovered from the house of the petitioner. The statement of the Magistrate was recorded in para 4 of the case diary. The petitioner by criminal record is a big name in Mokama locality falling in the district of Patna and nobody could dare to say even a word against Anant Kumar Singh, the petitioner. The criminal records of the petitioner shows that if anybody raised any objection against the M.L.A., he would have been killed. It is further submitted that from paragraph 42 and 85 of the case diary, almost all the villagers although they became anonymous disclosed that Anant Kumar Singh, M.L.A. regularly used to



visit his ancestral house. The *Shradh* ceremony of his elder brothers, Dilip Singh, former M.L.A. and Minister in the State of Bihar and Sachchidanand Singh was also performed in the village. Anant Kumar Singh also performed marriage of his daughter from his ancestral house and he remained in the house for months. The seized arms and ammunitions were sent to FSL. From paragraph 165 and 166 of the case diary, it would appear that the FSL found that AK-47 rifle and cartridges were effective. Firing was earlier also made from AK-47 rifle as it has come in chemical examination. The grenades were found effective and same were highly explosive. It is further submitted that the criminal antecedents of the petitioner is incorporated in para 10 of the case diary. There are 53 criminal cases pending against the petitioner and most of the criminal cases are registered under Sections 302, 364, 363, 386, 387 and other sections of the Indian Penal Code and the Arms Act. Nobody can dare to depose against the petitioner in the entire locality and the natural consequence of such terror is acquittal of the petitioner. From para 154 of the case diary, it would appear that one INSAS rifle was recovered from the government residence of the petitioner and for which Sachivalaya P.S. Case No.54 of 2015 was registered. INSAS rifle is also in the category of



prohibited arms. It is lastly submitted that the petitioner is not co-operating in trial. Hence, the petitioner does not deserve bail. Mr. Ajay Mishra, learned Additional Public Prosecutor points out that only on account of non-cooperation of the accused-petitioner, trial of the case is hampered. He also points out that in spite of learned trial court direction, accused-petitioner did not cooperate in medical examination and has been adopting all sorts of dilatory tactics just with a view to delay the trial.

Having considered the rival submissions of both sides and on perusal of the FIR and the case diary, it appears that from the house of the petitioner AK-47 rifle, loaded magazine containing 26 live cartridges and two grenades of military use were recovered and all the arms recovered are found effective. All the recovered arms are prohibited and not in use for the common people. It also appears that the petitioner has got a large number of criminal antecedents.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

Having considered the entirety of the matter, the Court directs the learned lower court to expedite the trial preferably on day to day basis without unnecessarily adjourning



the matter on flimsy grounds and also to take all necessary steps to conclude the trial at the earliest. This Court also directs the accused to cooperate in the medical examination and trial of the case and his dilatory tactics would be strictly dealt with if it comes to knowledge of the Court that only due to his callous approach, trial is not progressing.

(Anjani Kumar Sharan, J.)

Sanjay/-

U		T	
---	--	---	--

