

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27461 of 2020

Arising Out of PS. Case No.-167 Year-2020 Thana- LAKHISARAI District- Lakhisarai

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DHILLAN SINGH @ BRAJNANDAN SINGH @ BRAJ NANDAN
SHARMA Son of Harinandan Singh Resident of Village - Walipur, P.S.-
Pipariya, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma Sr. Adv with
Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-01-2021 Heard learned senior counsel for the petitioner and the
learned APP for State.

Learned counsel for the petitioner is expected to honor his
undertaking given in the instant case for depositing the requisite
court fee and to remove the defects as pointed out by office
when called upon.

Petitioner apprehends his arrest in connection with
Lakhisarai P. S. case No. 167 of 2020 instituted for the offence
under Section(s) 302/120B,34 of the Indian Penal Code and
Section 27 of the Arms Act. Later on, Sections 25(1-b)a/26(i) of
the Arms Act has been added.

The informant's father was sitting at the 'Dalan' behind
his house. It is alleged that co-villagers, namely, Ranjeet Singh,



Dilkhush Kumar and petitioner came to the place along with others having fire arms. Co-accused Ranjeet Singh and two other accused persons have allegedly fired upon the informant's father causing his death. Thereafter, the assailants were chased away. The cause of occurrence is stated to be enmity arising out of earlier case lodged by informant's father against some persons including the petitioner in relation to a murder incident. It has been stated that the informant's father was deposing as a witness in the said case and, therefore, he has been eliminated by the accused persons.

The learned senior counsel appearing for the petitioner submits that in the case earlier lodged by the prosecution party alleged to be the motive in the instant case. The police have already submitted final form in respect of the petitioner and the petitioner was not sent up for trial. It is further submitted that the petitioner's implication is based on extraneous consideration due to earlier inimical terms between the parties. The petitioner will abide by any terms and conditions, in the event he is allowed the privilege of anticipatory bail. It is further submitted that one of the co-accused persons, namely, Shiv Kumar Singh has been allowed regular bail in Cr. Misc. No. 33881 of 2020.

The learned APP has opposed the prayer for anticipatory



bail by submitting that the FIR discloses petitioner's active participation. There is also earlier enmity on basis of which strong motive has been assigned against the petitioner. He has criminal antecedents and, therefore, it is not a fit case for grant of anticipatory bail.

Considering the rival submissions, this Court is inclined to accept the submissions advanced by learned APP. In the facts and circumstances of the case prayer for grant of anticipatory bail is rejected

It would be open to the petitioner to take benefit of the bail granted to the other co-accused, namely, Shiv Kumar Singh while availing the remedy for grant of regular bail.

(Madhuresh Prasad, J)

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