

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1903 of 2021**

Arising Out of PS. Case No.-58 Year-2019 Thana- NTPC District- Patna

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Anjesh Kumar Singh @ Anjesh Singh @ Anjesh Kumar, aged about 29 years
(Male), Son of Late Arjun Singh Resident of Village - Nawada, Police Station
- N.T.P.C., District – Patna ... Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr.A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 20-05-2021 Heard learned counsel for the parties through video conferencing.

Earlier, prayer for bail of the petitioner was dismissed as withdrawn vide order dated 18.12.2019 with liberty to the petitioner to file a similar application afresh in accordance with law after nine months. He has moved his prayer for bail in S.Tr. No. 1136 of 2019, arising out of N.T.P.C. P.S. Case No. 58 of 2019 registered for the offence under Sections 302/34 the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on the alleged date and time of the occurrence, while the husband of the informant was coming from Barh by bicycle and reached near orchard of Lakshmin Mahto, this petitioner along with co-accused Nitish Singh intercepted him and on the order of this petitioner, co-accused Nitish Singh shot fire by his country-made pistol on the husband of the informant, as a result of which, he died during



course of treatment.

It is submitted on behalf of the petitioner that as per F.I.R., the petitioner is alleged to be only order-giver and no any overt act has been alleged against him. It is further submitted that though, alleged occurrence has taken place on 17.07.2019, but the FIR has been lodged after four days i.e. on 20.07.2019 and there is no plausible explanation of delay. Petitioner is in custody since 22.07.2019. Chargesheet has already been submitted.

Considering the nature of allegation and period of custody, the bail application of petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-5, Barh (Patna) in connection with S.Tr.No. 1136 of 2019, arising out of N.T.P.C. P.S. Case No. 58 of 2019 with further conditions:

“(i) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present, as directed by the court, and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will



be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J)

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