

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39785 of 2020

Arising Out of PS. Case No.-24 Year-2019 Thana- TARIYANI CHAPRA PS District-
Sheohar

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NITESH SINGH @ NITESH KUMAR SINGH S/o Shyambabu Singh R/o
Village- Tariyani, Chhapra, P.S.- Tariyani, Chhapara, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Thakur
For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-09-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Tariyani Chapra
P.S. Case No. 24 of 2019 registered under Section 302/34 of the
Indian Penal Code and 27 of the Arms Act.

Allegedly, while the informant along with his brothers was
sitting at his door, the accused persons came and started firing
indiscriminately, as a result of which, the informant's brother
sustained fire-arms injury and died on the spot.

It has been submitted on behalf of the petitioner that there is
no allegation of tampering of witnesses alleged against the petitioner.



The petitioner has been falsely implicated in the present case. Three unknown persons are said to have fired upon the deceased. Three empty cartridges are said to have been recovered from the place of occurrence. There is no eye witness to the alleged occurrence. At the time of occurrence, the petitioner was in custody.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. He has seven criminal cases in his credit pending against him. The petitioner is a veteran criminal. From perusal of paragraph-14 of the case diary, it appears that the petitioner, being in judicial custody, conspired for murder of the deceased.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail to the petitioner is rejected.

If the petitioner surrenders before the court below and seeks regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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