

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41095 of 2020

Arising Out of PS. Case No.-165 Year-2020 Thana- KHUSRUPUR District- Patna

SURESH SINGH Son of Late Jang Bahadur Singh Resident of Village -
Nurudinpur, P.S.- Khusrupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-07-2021 Heard Mr. Yogesh Chandra Verma, learned

Senior Advocate for the petitioner and Mr. Shyam Kumar

Singh, learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Khusrupur P.S. Case No. 165
of 2020 dated 19.05.2020 instituted for the offences
under Sections 147, 148, 149, 302 and 120B of the
Indian Penal Code and Section 27 of the Arms Act.

The accusation against the petitioner is of
exhorting his fellow men for firing at the deceased who
is the father of the informant.

Learned counsel for the petitioner has



submitted that except for exhortation, no specific act has been attributed to the petitioner who is an eighty years old ex-military man.

It has further been submitted that all others have been saddled with special overt act but so far as the petitioner is concerned, he is said to have given a battle-cry along with two other persons. This itself makes the prosecution version highly suspect.

Apart from this, it has been submitted that the petitioner is suffering from various ailments.

None of these grounds persuade to this Court to grant anticipatory bail to the petitioner for the reason that the informant is an eye witness to the occurrence who has seen the manner in which his father has been killed. True it is that the petitioner cannot be said to be the assailant of the deceased but an active part has been played by him in the entire occurrence.

For the reasons aforesaid, the prayer for anticipatory bail is rejected.



However, if the petitioner surrenders before the court below and seeks bail his application shall be considered on its own merits without being prejudiced by the fact that the present petition on behalf has not been entertained.

(Ashutosh Kumar, J)

krishna/-

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

