

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5700 of 2022

Arising Out of PS. Case No.-176 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

ASHTOSH KUMAR @ ANSHU KUMAR @ ANSHU PATEL SON OF
AWDHSI SINGH R/O VILLAGE- GHORDIHA, P.S.- KARGAHAR,
DIST.- ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. Advocate Mr. Pramod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-10-2022 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 302 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 08.06.2020 at about 10:00 o'clock, the informant along with his wife and children was coming from Sasaram by car which was being driven by his brother Sipu, further his brother fell uneasy and thus got some medicine from a shop and again proceeded, thereafter, it is alleged that tyre of the car got punctured, accordingly his brother came out of the car and was



changing the flat tyre when the informant heard a sound of firing and saw that blood was oozing out from the body of his brother and one person, in the age group of 22-23 years, having a pistol in his hand was fleeing towards Barari Bridge, it is next alleged that his brother was taken to hospital where he was declared dead on arrival. It is also alleged that his brother had enmity with several persons.

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, he is not named in the FIR, it is next submitted that the informant himself in the FIR has stated that the deceased was having enmity with several persons, further learned senior counsel draws the attention of the Court to paragraph '5' of the anticipatory bail application to submit that the deceased was having criminal antecedent of 14 cases. Learned senior counsel submits that the first case was instituted in the year 2013 and the last case was instituted in the year 2019 so in between these six years, fourteen cases came to be instituted as such the deceased was really having enemies, it is next submitted that the petitioner is aged about 30 years and the same does not match with the description as alleged in the FIR. It is further submission of the learned senior counsel that petitioner is a person with clean antecedent and during the course of investigation also, no material has come



to connect him with the offense directly, further one accused Sonu was apprehended during the course of investigation whose statement was recorded at paragraph '47' of the case diary wherein he has confessed before the police that he had also helped various accused persons, including the petitioner, in committing the occurrence, it is next submitted that Sonu had taken name of the father of this petitioner also, it is further submitted that father of this petitioner had personally gone to the police station when he was called and accordingly he was arrested and thereafter his confessional statement was taken in which he has stated that earlier the deceased had shot the petitioner, however, the matter was compromised but the petitioner was under constant fear that the deceased might kill him, accordingly father of the petitioner planned to kill the deceased along with other accused persons as they were also on an inimical term with the deceased for the reason that the deceased used to loot their liquor, further petitioner's father has confessed that one Ankit Patel called him and informed that he has shot Sipu Patel and thus asked him to verify whether he is dead or alive. Learned senior counsel thus submits that even from the confessional statement of the father of the petitioner it does not even remotely manifest that petitioner was also involved in the occurrence rather what his father has disclosed is that it



was he along with other accused persons who were planning to kill the deceased.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that from the confessional statement of the father of the petitioner this much is clear that the petitioner was under constant fear that the deceased might kill him on account of some previous dispute.

Considering the submissions made by the learned senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sasaram P.S. Case No. 176 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

In the event, if the police files charge-sheet against the petitioner, then the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

Rishi/-

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

