

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6160 of 2022

Arising Out of PS. Case No.-206 Year-2020 Thana- BARUN District- Aurangabad

RAJIV KUMAR @ RAJU @ RAJEEV KUMAR S/o Ashok Yadav R/o- Sri
Ram Nagar Chandmari Near Shitla Mandir, P.S.- Dhanbad, District- Dhanbad
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2022 Heard learned 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 Sections 427, 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

The informant alleges that her husband Jitendra Singh @ Tiger along with his brother and two others was returning home by car and on the way the accused persons intercepted and got the car stoped, it is next alleged that one Shiv Kumar Singh and two others had covered their faces and they opened fire upon the informant's husband as a result of which her husband died.



Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent, is not named in the F.I.R. and from perusal of the allegation as alleged in the F.I.R. it would manifest that informant has specifically named five accused persons who committed the occurrence, it is next submitted that even informant is not an eyewitness to the occurrence rather the present F.I.R. came to be instituted based on the disclosure made by Ashok Singh who was accompanying her husband when the occurrence took place. Learned counsel further submits that statement of Ashok Singh was recorded by police at paragraph '10' of the case diary wherein he has named Shiv Kumar Singh who is alleged to have fired along with some other unknown persons but even Ashok Singh has not named the petitioner in his statement recorded under Section 161 Cr.P.C. though he claimed to be an eyewitness to the occurrence. It is further submitted that based on suspicion, one Manish Singh was arrested in whose confessional statement the name of this petitioner transpired which has no evidentiary value when admittedly neither Ashok Singh nor the informant had alleged anything against the petitioner in the F.I.R. or in his statement under Section 161 Cr.P.C. thus submits that case of this petitioner is on a much better footing than Ram Vijay Singh who



was granted anticipatory bail by order dated 22.09.2021 in Cr. Misc. No. 14412 of 2021.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned 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 Barun P.S. Case No. 206 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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