

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14140 of 2022

Arising Out of PS. Case No.-440 Year-2020 Thana- AMARPUR District- Banka

Sittu Singh @ Amit Ashish Son Of Late Sunil Kumar Singh Resident Of Village - Telia , P.S.- Fullidumar, Distt.- Banka, At Present Resident Of Building No.25, Gali No.3, Jay Prakash Nagar, Dhanbad, P.S.- Dhanbad, Distt.- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15811 of 2022

Arising Out of PS. Case No.-440 Year-2020 Thana- AMARPUR District- Banka

1. Gautam Singh @ Gautam Kumar Singh Son Of Late Shambhu Prasad Singh Resident Of Village - Telia, P.S.- Fullidumar, District - Banka, At Present Resident Of Building No.- 25, Gali No.- 3, Jay Prakash Nagar, Dhanbad, P.S.- Dhanbad, District - Dhanbad (Jharkhand)
2. Bittu Singh @ Abhishek Singh Son of Late Sunil Kumar Singh Resident of Village - Telia, P.S.- Fullidumar, District - Banka, At present resident of Building No.- 25, Gali No.- 3, Jay Prakash Nagar, Dhanbad, P.S.- Dhanbad, District - Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14140 of 2022)

For the Petitioner/s : Mr.Pranav Kumar Jha

For the Opposite Party/s : Mr. Abhay Kumar

(In CRIMINAL MISCELLANEOUS No. 15811 of 2022)

For the Petitioner/s : Mr.Pranav Kumar Jha

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to
remove the defects, if any, within three weeks.



The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 302, 379, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioners are said to have committed murder of the son of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the petitioners. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that there is inordinate delay of 2 days in lodging of FIR. He submits that the petitioner of Cr. Misc. No. 14140 of 2022 is not present at the time of occurrence. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that the similarly situated co-accused has already been rejected bail by coordinate Bench of this Court in Cr. Misc. No. 42460 of 2021 and Cr. Misc. No. 46090 of 2021.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Amarpur (Fullidumar) P.S. Case No. 440 of



2020.

However, if the petitioner of Cr. Misc. No. 14140 of 2022 surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that the petitioner is not present on the spot.

(Anjani Kumar Sharan, J)

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