

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16583 of 2022

Arising Out of PS. Case No.-208 Year-2021 Thana- RIVILGANJ District- Saran

ANGRESH SINGH @ KONGRESS SINGH Son of Rajgrih Singh Resident
of Village- Panchpatra, Police Station- Rivilganj, Districtd- Saran (Chapra)
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Rivilganj P.S. Case no. 208 of 2021 instituted for the
offence under Section 302/34 of the Indian Penal Code.

As per allegation in the FIR, younger brother of the
petitioner had gone to village Panchpatra to watch dance
programme on 08.06.2021, in the meantime, a pandemonium
took place and his brother was taken to some distance by some
unknown persons to assault him. Vinay Kumar Mishra has
provided information about the occurrence to the informant and
then his family members visited there and saw that informant's
brother was lying in pool of blood and during treatment, he
succumbed to injuries on 12.06.2021. Then the present FIR has
been lodged on the basis of version made by Vinay Kumar



Mishra.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. There is no specific allegation of any overt act against the petitioner. Accused Vicky Singh has disclosed about participation of the petitioner in the alleged incident before the police, which is not admissible in the eye of law. It is further submitted by learned counsel for the petitioner that at the instance of Vinay Kumar Mishra, the present FIR was lodged against unknown but during investigation he has disclosed about complicity of the several accused persons including the petitioner.

Learned counsel for the informant and learned APP appearing for the State has opposed the prayer of Bail and submitted that during investigation, witness Vinay Kr. Mishra has stated about complicity of the petitioner, which is mentioned in para 5 of the case diary. In confessional statement of accused Vikky Singh, he has taken the name of the petitioner as his accomplice and confessed that he along with other had committed marpit with the deceased. Inquest report also supports the fact of marpit with the deceased.

Having heard learned counsel for the parties and in



the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Rivilganj P.S. Case no. 208 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Chapra, Saran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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