

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39188 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- SINGHESHWAR District- Madhepura

1. MAHENDRA MODI@MAHA Son of Late Chaturi Modi Resident of Village - Patori, P.s.- Sngheshwar, Distt.- Madhepura.
2. K. B. MODI @ K. B. KUMAR @ KEBI KUMAR Son of Mahendra Modi @ Maha Resident of Village - Patori, P.s.- Sngheshwar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh
For the Opposite Party/s : Mr. Anil Kumar
Mr. Madhav Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-12-2022 Heard the parties.

Vide order dated 17.11.2022, the bail application as against petitioner no.1 was dismissed as withdrawn.

Now, this application is being heard with regard to petitioner no.2 only.

The petitioner no.2 apprehends his arrest in connection with Singheshwar P.S. Case no.29 of 2022, registered for the offence punishable under sections 302, 120(B), 379, 34 of IPC and section 27 of Arms Act.

The prosecution story in short is that the sister of the informant (deceased) told the informant through her mobile that all the accused persons including the petitioner have assembled



to kill her. It is alleged that the informant got information on 05.02.2022 that his sister has been murdered under conspiracy in order to grab the land of deceased.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that the informant is not an eye witness and only on suspicion petitioner has been made accused in the present case. Deceased had been living separately since 30 years ago from the petitioners after land partition. Petitioner has one criminal antecedent.

Learned APP for the State as well as learned counsel for informant opposed the prayer for anticipatory bail by submitting that the petitioner is also involved in the present case.

Having regard to the facts and circumstances of the case and the nature of offence, I am not inclined to enlarge the petitioner named above on bail. The prayer for grant of anticipatory bail on behalf of the petitioner no.2 is rejected.

However, petitioner no.2 is directed to surrender before the learned Court below within a period of six weeks from today



and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law, considering the fact that there is no specific overt act against the petitioner.

(Anjani Kumar Sharan, J)

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