

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40792 of 2022

Arising Out of PS. Case No.-145 Year-2019 Thana- PHULWARIA District- Begusarai

PAPPU SINGH Son of Late Ram Sharan Singh Resident of Village -
Madhurapur, Pawari Tola, P.S.- Teghra, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushkar Narayan Shahi, Sr. Adv Mr. Shivam, Adv
For the Opposite Party/s	:	Mr. Dr. Kumar Uday Pratap, APP Mr. Shashank Shekhar, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-11-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects within four weeks.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 302, 34 and 120B of the Indian Penal Code and section 27 of the Arms Act.

Allegedly, the petitioner alongwith other accused persons assaulted the informant and his son. The allegation against the petitioner is that he took out a pistol from his waist and handed it over to Gauri Shankar Singh and ordered to kill the son of the informant whereafter Gauri Shankar Singh fired at the son of the informant due to which he sustained injury near his neck and died.



It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has 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. There is no specific overt act against the petitioner. The police after investigation submitted charge-sheet against the petitioner but differing with the same, court below has taken cognizance against the petitioners. He further submits that the deceased himself was a veteran criminal and was involved in as many as six criminal cases. Petitioner has two criminal antecedent, out of which in Teghra P.S. Case No.183 of 2007, he has been acquitted by the court below and in Phulwariya P.S. Case no.160 of 2015, he is on bail, as also mentioned in para-3 of the bail application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that there is specific allegation against the petitioner to kill the witness of Phulwariya P.S. Case no. 160 of 2015 and therefore, it is not a fit case for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner, let the



above named petitioner be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Phulwariya P.S. Case No.145 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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