

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64127 of 2021

Arising Out of PS. Case No.-295 Year-2021 Thana- MANER District- Patna

Bitan Singh, Son Of Late Sudama Sharma R/O- Ganghara, P.S.- Shahpur,
District - Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary
For the Opposite Party/s : Mr. Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 302/
34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 26.04.2021 at 8.00 P.M., her husband received a
call on his mobile from Akhilesh Rai's mobile no.9708843201
and Akhilesh Rai asked to come to Sherpur Ganga Ghat with
food of 7-8 persons. It is next alleged that voice of Mithilesh
and Upendra were coming from behind. Further alleges that her
husband left and when it was late in the night, the informant
called him on which, he disclosed that he will come in a while,



but when husband did not come till morning, it is alleged that informant came to know that all the accused persons shot her husband dead. It is further alleged that as she found out that Mithilesh, Akhilesh and Shambhu shot him with rifle while other accused were holding.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same appears to be cryptic and vague and at the same time, the informant is not an eye witness to the occurrence. It is next submitted that it absolutely does not stand to reason that if the husband of the informant had any inhibition with the accused persons including the petitioner, then he would not have gone to the place of occurrence on the calling of Akhilesh Rai. It is also submitted that from perusal of the allegation, it also manifests that informant had called her husband when he was getting late and he responded that he will come in a while and at that point of time also he did not raise any apprehension or suspicion with regard to the conduct of the accused persons including the petitioner. The learned counsel thus submits that the entire allegation hinges around suspicion.

The learned Additional Public Prosecutor opposes the anticipatory bail application.



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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Maner P. S. Case No.295 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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