

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19410 of 2023

Arising Out of PS. Case No.-42 Year-2021 Thana- SISWAN District- Siwan

SHAILESH SINGH @ NANHAKI SINGH, Son of Sri Chhotan Singh
Resident of Village - Baghauna, P.S.- Siswan, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv. Mr. Ritwik Thakur, Adv. Ms. Vaishnavi Singh, Adv.
For the State	:	Ms. Nirmala Kumari, APP
For the Informant/s	:	Mr. Chandra Monhan Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 02-08-2023

1. Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned APP for the State.

2. Petitioner seeks regular bail in connection with

Siswan P.S. Case No. 42 of 2021, dated 08.02.2021 registered for the offence(s) punishable under Section 363 of the Indian Penal Code and subsequently Section(s) 364, 201, 120B and 302 of the Indian Penal Code were added.

3. The main submissions advanced by learned senior

counsel appearing for the petitioner are that the FIR was registered against unknown and during investigation, the informant filed a petition raising suspicion against this petitioner and six other co-accused persons merely on account of co-accused Kamlesh Singh having threatened the informant on



account of drinking wine and taking ganja by his supporters which was objected by the informant and except the said suspicion there is no any other material against this petitioner and during investigation no witness examined by the Investigating Officer claimed to be eye-witness of the alleged occurrence, though investigation was conducted with the help of sniffer dogs but the said sniffer dogs indicated or barked towards the houses of the other co-accused persons during scientific investigation, moreover the said information gathered by the Investigating Officer regarding the involvement of other co-accused persons is not admissible in the eye of law. Further submissions are that the co-accused persons Abhishek Singh, Uday Kumar Singh @ Uday Kumar, Dhananjay Singh and Khagendra Singh carrying similar nature of allegation have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. Nos. 34659 of 2023, 31976 of 2023, 44910 of 2023 and 39118 of 2021 respectively and the victim's body was recovered from a semi-constructed house of one namely, Prahlad Singh, to which petitioner had no connection. Further submission is that the petitioner has been languishing in jail since 20.01.2023.

4. Though learned counsel appearing for the informant



has opposed the prayer for bail but fairly accepted that against the petitioner there is no direct evidence except the circumstantial evidences.

5. Considering the above submissions and mainly taking into account the privilege of bail having been granted to above-mentioned similarly situated co-accused persons and also the fact that during investigation the material witnesses of the prosecution including the informant merely raised suspicion against the petitioner and victim's dead body was recovered from the house of another person and petitioner has been languishing in jail since 20.01.2023 and against him the investigation has been completed, in my opinion, in the said circumstances, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Siswan P.S. Case No. 42 of 2021.

(Shailendra Singh, J.)

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