

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22117 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- SHASTRINAGAR District- Patna

ANAND KUMAR SINGH @ ANAND Son of Bhagwan Singh @ Bhagwan
Jee Singh R/o 401, Jamuna Complex-A Friends colony, Jaiprakash Nagar,
Ashiananagar, PS-Rajiv Nagar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

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

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that petitioner along with five named accused persons and some unknown shot his grandson near the *Chowmein* shop leading to his death.

Learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that during the course of investigation, Aman, Shivji and Avinash were arrested and from perusal of their statements recorded under Section 161 Cr.P.C, it would manifest that they have not named the petitioner, when during the course of investigation, it transpired that it was Shivji who had planned and executed the murder of the deceased. It is further submitted that informant is not an eye witness to the occurrence and he implicated the petitioner based on the disclosure made by the by-standers who were present where the occurrence had taken place, but then the name of the person who disclosed the name of the petitioner is not disclosed in the F.I.R., when admittedly petitioner is a person with clean antecedent.

Learned counsel for the petitioner next submits that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner and submits that after perusal of the case diary, it would manifest that no doubt the persons who were identified and were arrested, have not named this petitioner, but then the by-stander near the Chowmein shop have identified the petitioner in C.C.T.V. footage.

Learned counsel for the petitioner thus submits that his mother has already represented before the Senior Superintendent of Police, Patna to get the matter inquired properly and not to implicate an innocent person.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shastri Nagar P.S. Case No. 116 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event, if the



Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself when called for, then the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons, it is further made clear that in the event if charge sheet is submitted connecting the petitioner with the offence, the present anticipatory bail order shall lose its effect.

Let a copy of this order be also sent to the concerned Police Station through the learned Trial Court.

(Satyavrat Verma, J)

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