

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35186 of 2023

Arising Out of PS. Case No.-780 Year-2004 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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CHANDAN SINGH @ CHANDAN KUMAR @ CHANDAN KUMAR
SINGH Son of Vishnudev Prasad Singh @ Vishnudev Singh R/o - Jamalpur,
P.S. - Bihpur, Distt. - Bhagalpur. At - Present Address - New Vikramshila
Colony Pranvati Lane, P.S. - Ishakchak, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 29-08-2023 Heard the parties.

2. The petitioner is in custody in connection with Kotwali (Barari) P.S. Case No. 780 of 2004 for the offence under sections 448, 324, 307/34 of the Indian Penal Code and u/s 27 of the Arms Act and further added 302 of the IPC lodged on 27.12.2004 by the informant, Anju Bala Devi.

3. As per the prosecution story, the lady who is the mother of the deceased alleged that three persons came to her house, knocked the door but before she could reach the door, her daughter opened it. One Prakash Singh asked from her the whereabouts of D.N. Paswan and when she replied that he is not at home, allegation is that said Prakash Singh took out



pistol, fired at her chest which was followed by firing of other accused persons. Subsequently, the girl succumbed to the injuries and section 302 of the IPC was added.

4. From the perusal of the FIR, it shows that the same was registered in the year 2004. The petitioner kept on playing with the law after confusing both the prosecution as also the judicial process that he is not the person, Prakash Singh who opened fire causing the death of the informant's daughter rather he is and was always known as Chandan Singh. This helped him evading arrest for almost two decades. In between, he preferred anticipatory bail in the year 2018 which came to be rejected on 13.02.2019.

5. The hide and seek game continued on the sole ground that he was never known as Prakash Singh. It is not the case of the petitioner that he ever made any proper application before the concerned Superintendent of Police in this regard showing his innocence.

6. It is hard to believe that a person who claims that he was never known as Prakash Singh and is Chandan Singh, his name could have been dragged in this case for decades and learned APP has taken this Court to the Supervision note of the Dy. S.P. Town, Bhagalpur in which he has inscribed that the



accused Prakash Singh @ Chandan Singh used to reside in the neighbour's house and further, was eyeing on the younger daughter, Moni Kumari for which he was scolded. He had then threatened the informant side of dire consequences.

7. As narrated above, after the rejection of his anticipatory bail in 2019, from the petition, there is nothing to submit by the petitioner why he delayed coming into judicial custody for next four years.

8. From the petition, it is also not clear whether the petitioner surrendered or finally after nineteen years, the Police came out of deep slumber and arrested him. Learned Counsel for the petitioner is also unable to assist the Court on this point.

9. The fact remains that for an alleged killing on 27.12.2004, the petitioner came into judicial custody 19 years later on 18.03.2023 (as stated in paragraph 13 of the petition).

10. This Court has also gone through the observation of the learned Sessions Judge, Bhagalpur in which it has been recorded that the charge sheet was submitted on 12.01.2019 against Prakash Singh @ Jungli Singh @ Chandan Singh, son of Vishnudev Prasad Singh and the petitioner claims himself to be Chandan Singh @ Chandan Kumar @ Chandan Kumar Singh son of Vishnudev Prasad Singh and as such the parentage is the



same.

11. Prima facie, this Court after going through the facts on record, the Supervision note of the Deputy Superintendent of Police Town, Bhagalpur in which after clearing the air about the doubt created by the petitioner also gave reason for his involvement.

12. The learned Sessions Judge, Bhagalpur too has pointed towards the parentage of the accused to satisfy that he is the person.

13. Enough playing with the judicial process. It's the time the petitioner faces music. The bail application deserves dismissal and is accordingly rejected.

14. The trial Court must expedite the trial and conclude the same preferably within a period of one year considering that it is the case of 2004 and the poor girl who lost her life is awaiting justice for last two decades.

(Rajiv Roy, J)

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