

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38442 of 2023

Arising Out of PS. Case No.-463 Year-2021 Thana- PATLIPUTRA District- Patna

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Anil Singh @ Anil Kumar Singh, S/o Late Vijay Kumar Singh, R/o Tilak
Nagar, Jagdeo Path, Phase-II, P.S.-Rupaspur, Dist.-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Ram Sevak Choudhary, Advocate
For the Informant	:	Mr. Rajiv Ranjan Kumar Pandey, Advocate
		Mr. K.N. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-07-2023 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

appearing on behalf of the informant.

2. The accused/petitioner seeks bail in connection

with Patliputra P.S. Case No.463 of 2021 registered for the

offences punishable under Sections 307, 115, 120-B, 326 read

with 34 of the Indian Penal Code and Section 27 of the Arms

Act.

3. The accused/petitioner is named in the FIR and is

in custody since 06.04.2023.

4. Allegation against the petitioner is to open fire

upon informant along with other co-accused persons causing

bullet injury on the chest of informant having intention to cause

his death, where occurrence arises out of previous



enmity/family disputes, where informant and petitioner are full brother.

5. It is submitted by learned counsel that informant/injured is the eye-witness of the occurrence, where he clearly stated that the car from which alleged firing was made was not occupied by this petitioner. It is submitted that entire implication is only on the basis of suspicion as the driver of this petitioner was present inside car from which the alleged firing was made. It is submitted that one of the reason for his suspicion is family dispute also. It is further submitted that nothing cogent material recovered/surfaced during the course of investigation, which may suggest that petitioner is conspirator and moreover co-accused, namely, Amit Kumar Singh who was accompanied with unknown co-accused persons alleged to fire upon the informant was granted bail by one of the learned co-ordinate Bench of this Court vide order dated 25992 of 2023 dated 23.05.2023. It is submitted that the petitioner found involved in total of ten cases, where he is on bail in six cases and was not found involved in any criminal case onward 2015. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the



evidence.

6. Learned APP duly assisted by Mr. Rajiv Ranjan Kumar Pandey, learned counsel for the informant while opposing the prayer of bail submitted that the petitioner is the main conspirator but, he fairly conceded that he was not available inside the car when alleged firing was made.

7. In view of above-mentioned facts and circumstances and by taking note of fact as petitioner was not present inside the car from where alleged firing was made, where *prima facie* a suspicion arises due to presence of his driver and family disputes, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.04.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-X, Patna in connection with Patliputra P.S. Case No.463 of 2021, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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