

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37993 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- SANJHOLI District- Rohtas

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1. NAGENDRA SINGH Son of Birendra Singh Resident of Village - Rauni,
P.S.- Bikramganj, District - Rohtas.
 2. Surendra Singh Son of Late Bhabhuti Singh Resident of Village - Rauni,
P.S.- Bikramganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 17-03-2023 Heard Mr. Sada Nand Roy, learned counsel

 appearing on behalf of the petitioner and Mr. Raj Kishor Singh,

 learned APP appearing on behalf of State.

2. The petitioner apprehends his arrest in connection
with Sanjhauli P.S. Case No. 01 of 2022 registered under
Section 302/34 of the Indian Penal Code.

3. The prosecution story, in brief, is that the informant
is the brother of the deceased. The allegation is that his brother
was sleeping in Samudaik Bhawan along with one blind person
who informed that in the midst of the night all the accused
persons named in the F.I.R. including the petitioner had entered
the Samudaik Bhawan and shot on the brother of the informant.



The specific allegation has been made against accused Vijay Singh on whose order co-accused Dhanush shot the brother of the informant who died on the spot.

4. Learned counsel appearing on behalf of the petitioners submitted even admitting the fact that murder has took place in absence of eye witness, the story has narrated by a blind person cannot be accepted. The informant admittedly was not on the spot and as such the level against the petitioners to the extent that they were the member of the gang is false. The petitioners have clean antecedent as mentioned in Paragraph No. 3 of the bail application.

5. Learned APP appearing on behalf of the State has vehemently opposed the grant of bail to the petitioners. He has referred to the Paragraph No. 48 of the Case Diary in which it has been recorded that tower location released that mobile phone of the petitioner was used on the day of alleged murder took place.

6. Considering the rival submissions of the parties, having perused the allegation made in the F.I.R and the material collected in course of investigation, it appears that the deceased, informant and the accused person are of the same village. The only material which has been collected against the petitioner is



that as per the tower allegation the petitioner found to be in the vicinity. The said allegation appears to be of no use in contacting the petitioners prima facie who have also involved in the commission of murder. No incriminating material has been collected by the Investigating Officer against the petitioner, I am of the opinion that the petitioners have made out a case to be released on anticipatory bail.

7. Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned A.C.J.M., Bikramganj, Rohtas in connection with Sanjhauli P.S. Case No. 01 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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