

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63317 of 2021**

Arising Out of PS. Case No.-37 Year-2018 Thana- JANDAHA District- Vaishali

ANJANI SINGH @ RAUSHAN SINGH @ ANJANI Son of Umesh Singh @ Narayan Singh Resident of Village- Rampur Baghail, P.S.- Sahdei (O.P. Desari), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

8 17-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with S.Trial No. 273 of 2019, arising out of Jandaha P.S. Case No. 37 of 2018, registered for the offence punishable under Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 23.02.2018 at about 8:20 P.M., the informant and his son were sitting at their medical shop situated at Gurujee Chowk, Jandaha and after some time the son of the informant,



namely Anil Thakur had begun the process of closing his medical shop, whereupon three unknown criminals had arrived there and had started firing indiscriminately on the said Anil Thakur, resulting in his death on the spot, whereafter the said three criminals had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 17.11.2018. The learned counsel for the petitioner has submitted that the name of the petitioner has transpired in the present case upon confessional statement made by the co-accused person namely Noor Hussain and the said Noor Hussain has already been granted bail by a co-ordinate Bench of this Court by an order dated 23.04.2019 passed in Cr. Misc. No. 4832 of 2019. It is further submitted that no Test Identification Parade has taken place so as to connect the petitioner with the alleged crime.



The learned counsel appearing for the informant has vehemently opposed the prayer for bail and has submitted that a co-ordinate Bench of this Court, by an order dated 19.05.2019 passed in Cr. Revision No. 660 of 2019 (Aman Kumar @ Aman Raj vs. The State of Bihar), has rejected the prayer for bail of the co-accused person and the petitioner is also similarly situated to him, hence, his prayer for bail is also liable to be rejected. It is further submitted that the trial is going on and three, out of seven witnesses, have already been examined.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail. It is further submitted that this Court, by an order dated 5.6.2020, has also rejected the prayer for bail of another co-accused person similarly situated, namely, Saudagar Kumar Sahni @ Saudagar Sahni. It is next contended that the said Saudagar Kumar Sahni @ Saudagar Sahni had subsequently renewed his prayer for bail,



however, it was again rejected by this Court. It is also submitted that the petitioner is having a bad antecedent and there are ample materials on record to suggest the complicity of the petitioner in the alleged crime, hence, the petitioner is not entitled to the privilege of bail.

I have heard the learned counsel for the parties, perused the materials on record and gone through the case diary.

A bare perusal of the case diary would show that there are sufficient materials to prima facie show the complicity of the petitioner in the alleged murder of the son of the informant. This Court also finds that the case of the petitioner stands on similar footing as that of the co-accused person namely Aman Kumar whose prayer for bail has been rejected by a co-ordinate Bench of this Court vide order dated 19.05.2019 passed in Cr. Revision No. 660 of 2019, hence this Court is handicapped to take a different view, thus the present petition stands dismissed, being



bereft of any merit as also in view of the fact that the petitioner is alleged to have fired gun shots on the deceased person and is alleged to have killed him.

Under such circumstances, I do not find any merit in the prayer of the petitioner for grant of bail, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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