

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35256 of 2024

Arising Out of PS. Case No.-228 Year-2021 Thana- PIPRAHI District- Sheohar

=====

Anshu @ Anshu Singh @ Tusar Raman @ Tusar Kumar Raman Son of Amit
Dev Singh @ Amit Deo Resident Of Village And P.O. - Babhangama, P.S. -
Riga, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh, Adv.
For the Opposite Party/s : Mr. Dinesh Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 30-08-2024 Learned counsel for the petitioner prays for and is
allowed to make necessary correction in Para-1 and prayer
portion of the bail petition in course of the day.

Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with S.Tr.
No. 37 of 2022 arising out of Piprahi P.S. Case No. 228 of 2021
instituted for the offences under Sections 302, 120(B)/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence, when the elder brother of the
Informant was sitting at the door of his house and watching his
mobile phone, three unknown miscreants arrived there and fired
three rounds on his chest and stomach, resulting in his death.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of presumption and suspicion. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of confessional statement of the co-accused Prince Kumar who has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.01.2023 passed in Cr. Misc. No. 18354 of 2022. No Test Identification Parade has been conducted in this case as yet. The F.I.R. has been instituted after a delay of two days without there being any plausible explanation for such delay. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has altogether fifteen (15) criminal antecedents and is languishing in judicial custody since 11.03.2022 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Anish Kumar @ Anish Kumar Jha @ Anish Jha has been granted bail by this Court vide order dated 20.02.2024 passed in Cr. Misc. No. 2350 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has total fifteen criminal antecedents



most of which are similar nature of offences. Charge-sheet has been submitted against the petitioner under Section 302/120B/34 of the I.P.C. and Section 27 of the Arms Act. The co-accused Prince Kumar, in his confessional statement, has confessed the involvement of the petitioner in the alleged occurrence. The postmortem report also supports the prosecution case. The offence alleged is serious in nature and, thus, he does not deserve bail.

7. In compliance of the order of this Court dated 05.07.2024, the court below has sent status report, stating therein that if both the party will co-operate in trial, the case may be disposed off within one to two year.

8. Having heard rival contention of both the parties and taking into account the nature and gravity of offence as also there being fifteen criminal antecedents of similar nature of offences, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

10. If the trial is not concluded within the period of nine months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be



disposed of on its merit without being prejudiced by this
order.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

