

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44016 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- MAIRWAN District- Siwan

Shohrat Ansari S/O Late Ash Mahammad Ansari R/O Village-Harpur,P.S.-
Mairwa,Distt-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 49441 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- MAIRWAN District- Siwan

Binay Kumar Pandey @ Binay Pandey Son of Late Pashupati Pandey
Resident of Vill- Laxman Chak, P.S.- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 44016 of 2024)
For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the State : Mr. Dilip Kumar No. 1, APP
(In CRIMINAL MISCELLANEOUS No. 49441 of 2024)
For the Petitioner/s : Mr. Kamala Kant Tiwary, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 25-10-2024 Heard learned Senior Counsel in Cr. Misc. No.

49441 of 2024 and Mr. Ajay Kumar Tiwary in Cr. Misc. No.

44016 of 2024.

2. The petitioners are apprehending their arrest in
connection with Mairwa P.S. Case No. 172 of 2023 for the
offence under Sections 307, 120(B) and 34 of the Indian Penal
Code and section 27 of the Arms Act, lodged on 08.06.2024 by



the informant, Sangeeta Singh.

3. As per the prosecution story, the informant alleged that while her husband was returning home, was shot by unknown persons. She had suspicion that Ram Balak Singh, Sohrat Ansari and Vinay Pandey alongwith other associated had a role in the said injury to her husband. Accordingly, the F.I.R.

4. Learned Senior Counsel has led the case and according to him only on the ground of suspicion, the informant has named them which resulted into their implication. It is his further submission that Ram Balak Singh who was also similar situate has been granted bail in Cr. Misc. No. 51740 of 2023.

5. Learned APP opposed the prayer submitting that despite being named in the F.I.R., they sat over the matter and only after the bail was granted to Ram Balak Singh has moved before the Court for anticipatory bail.

6. This Court finds force in the submissions put forward by the learned APP. The petitioners were named in the F.I.R. and despite that they delayed coming to the Court for relief. Ram Balak Singh was taken into custody and was granted bail in Cr. Misc. No. 51740 of 2023 on 17.08.2023.

7. The Registration date of the two petitions show that same has been registered on 05.07.2024 and 19.06.2024.



8. Considering the allegation that has come coupled with the fact that they delayed coming to the Court, this Court is inclined to extend him the privilege of bail.

9. Accordingly, the anticipatory bail application stands rejected.

10. However, if the petitioners choose to surrender within a period of four weeks from today, the court concerned shall take into account the order passed in Ram Balak Singh (supra case) and will pass an appropriate order preferably on the same day.

(Rajiv Roy, J)

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