

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58776 of 2024

Arising Out of PS. Case No.-628 Year-2021 Thana- BIHAR District- Nalanda

Gore Singh @ Shambhu Shankar Singh, Son of Ram Briksh Singh, Resident
of Village- Saraia PS- Barbigaha District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bipin Kumar, Advocate Ms. Vanshika Nupur, Advocate Ms. Sarita Kumari, Advocate
For the Opposite Party/s :	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 26-10-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Bihar P.S. Case no. 628 of 2021 registered under sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that the dead body of an unknown person was recovered and it appeared that he had been strangled to death and his body thrown in the bushes by the side of the road to hide the same.

4. It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. The petitioner was falsely implicated in the case in course of investigation when the statement of the nephew of the deceased was recorded.



Nevertheless, there is no eye witness to the alleged occurrence and co-accused Prakash Kumar has been enlarged on regular bail vide order dated 11.1.2023 passed in Cr. Misc. no. 23155 of 2022. The petitioner undertakes to cooperate in the case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that besides the petitioner having six criminal antecedents, the nephew of the deceased in paragraph no.32 of the case diary has stated therein that Prakash Kumar called the deceased/his uncle. Thereafter, he was taken away by co-accused Mithun Kumar and Sunny Kumar and murder committed by the accused persons including this petitioner. It is further submitted that with respect to some land dispute co-accused Dani Kumar @ Chhote Pahalwan and the petitioner herein had threatened his uncle. Reference is made to paragraph nos. 39, 40 and 41 of the case diary.

6. In response, learned counsel for the petitioner submits that the petitioner has been acquitted in three of the cases.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R together with the material that has transpired in course of investigation against this petitioner including the statement of the witnesses



recorded in course of investigation in paragraph nos. 32, 39, 40 and 41, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

8. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

9. In case the petitioner surrenders within a period of four weeks and pray for regular bail, the same shall be considered by the learned Court below without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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