

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5702 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- ADAPUR District- East Champaran

FANTU SINGH @ VIJAY SINGH @ VIJAY KUMAR SINGH SON OF
LALIT SINGH @ LALITESHWAR SINGH RESIDENT OF VILLAGE -
KANUNIYA, POLICE STATION - ADAPUR, DISTRICT - EAST
CHAMPARAN

... .. Appellant

Versus

1. THE STATE OF BIHAR
2. SUNITA DEVI WIFE OF LATE BACHHA PASWAN RESIDENT OF
VILLAGE - SHYAMPUR, POLICE STATION - ADAPUR, DISTRICT -
EAST CHAMPARAN

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. PP
For the Informant	:	Ms. Shiwani Kumari, Advocate

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 16-12-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 16.10.2023 passed by learned Spl. Judge
SC/ST Act, East Champaran, Motihari whereby the prayer for
anticipatory bail of the appellant in connection with Adapur P.S.
Case No.266 of 2023 under Sections 302, 120(B), 341, 504, 506
of Indian Penal Code, Section 27 of Arms Act and Sections 3(2)
(va) of SC/ST (POA) Act, 2018 was rejected.



3. As per the allegation, the husband (deceased), the son and the brother-in-law (*Bhaisur*) of the informant went to withdraw the wages of MGNREGA and while they were returning from there, in the way, three bike-borne persons came there and fired upon her husband, who died on the spot. It has further been alleged that previously, due to the land dispute, the appellant and other co-accused persons had threatened and abused the deceased.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated. As many as 17 persons have been arrayed as accused. The allegation of firing is against unknown persons and not specifically against this appellant. It has been also submitted that the name of the appellant has been arrayed only on the basis of suspicion. It is further submitted that co-accused, namely Sohan Singh and Awadhesh Sah were granted anticipatory bail by the co-ordinate Benches of this Court respectively vide order dated 15.07.2024 in Cr. Appeal (SJ) no. 5177 of 2023 and vide order dated 07.08.2024 in Cr. Appeal (SJ) no. 131 of 2024.

5. Learned counsel for the informant opposed the prayer of bail by submitting that on exactly similar footing the anticipatory bail application of the appellants, namely Ramesh



Kumar Sinha and Chain Kumar have been rejected by the co-ordinate Bench of this Court. It has been submitted that the appellant has also criminal antecedents and one of the criminal antecedents is of the similar nature and so far as co-accused Awadhesh Sah, who has been granted anticipatory bail by the co-ordinate Bench is concerned, he concealed his criminal antecedents and it was the reason that his bail bond has not been accepted till date.

6. Considering the aforesaid facts and circumstances, this Court is not inclined to grant bail to the appellant. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Nawneet Kumar Pandey, J)

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