

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22676 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -BUXAR District- BUXAR

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Bashisth Muni Choubey @ Saral Choubey
..... Petitioner.

Versus

The State of Bihar
..... Opposite Party.

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with
Criminal Miscellaneous No.24033 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -BUXAR District- BUXAR

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Toofani Yadav @ Toofani Ram
..... Petitioner.

Versus

The State of Bihar
..... Opposite Party.

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with
Criminal Miscellaneous No.22977 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -BUXAR District- BUXAR

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Shashi Bhushan Mishra
..... Petitioner.

Versus

The State of Bihar
..... Opposite Party.

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with
Criminal Miscellaneous No.24080 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -BUXAR District- BUXAR

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Manoj Yadav @ Manoj Kumar @ Manoj Kumar Singh
..... Petitioner.

Versus

The State of Bihar
..... Opposite Party.

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with
Criminal Miscellaneous No.25433 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -BUXAR District- BUXAR

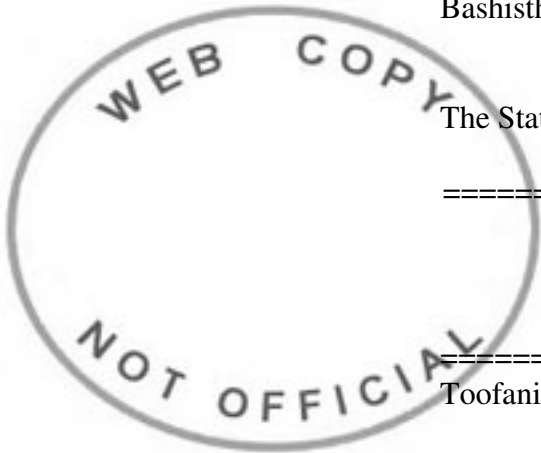
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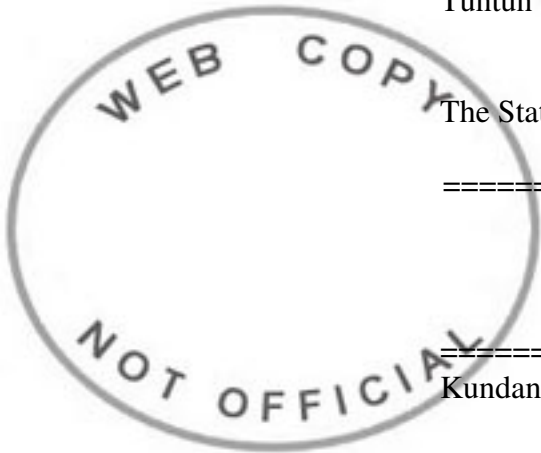
1. Raju Yadav @ Prem Prakash Singh.
2. Mithilesh @ Biscut Yadav.
..... Petitioners

Versus

The State of Bihar
..... Opposite Party.

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with
Criminal Miscellaneous No.29497 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -BUXAR District- BUXAR

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Tuntun Singh @ Tuntun Yadav

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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with
Criminal Miscellaneous No.32116 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -BUXAR District- BUXAR

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Kundan Yadav

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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with
Criminal Miscellaneous No.51610 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -BUXAR District- BUXAR

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Babli Dubey

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

(In Cr.Misc. No.22676 of 2014)

For the Petitioner : Mr. Rakesh Kumar Sinha, Advocate.

For the Opposite Party : Mr. Arun Kr. Singh 5 (App)

(In Cr.Misc. No.24033 of 2014)

For the Petitioner : Mr. Ravi Shanker Pankaj, Advocate.

For the Opposite Party : Mr. Jitendra Kr. Roy 1 (App)

(In Cr.Misc. No.22977 of 2014)

For the Petitioner : Mr. Dr. Kamal Deo Sharma,
Advocate.

For the Opposite Party : Mr. Surendra Kumar(App)

(In Cr.Misc. No.24080 of 2014)

For the Petitioner : Mr. Digvijay Kumar Ojha,
Advocate.

For the Opposite Party : Mr. R.B.Rai Raman (App)

(In Cr.Misc. No.25433 of 2014)

For the Petitioners : Mr. Anil Kumar Singh, Advocate.

For the Opposite Party : Mr. B.Ram(App)

(In Cr.Misc. No.29497 of 2014)

For the Petitioner : Mr. Manish Kumar, Advocate.

For the Opposite Party : Mr. P.K.Chaurasia(App)

(In Cr.Misc. No.32116 of 2014)

For the Petitioner : Mr. Ashok Kumar Mishra,

Advocate.
For the Opposite Party : Mr. S.M. Rahman (App).
(In Cr.Misc. No.51610 of 2014)
For the Petitioner : Mr. Digvijay Kumar Ojha,
Advocate.
For the Opposite Party : Mr. Nawal Kishore Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-01-2015 Heard learned counsels for the petitioners and the State.

The petitioners are languishing in custody since 24.02.2014, 25.02.2014, 20.02.2014, 07.03.2014, 01.03.2014, 01.03.2014, 04.03.2014, 07.03.2014 and 25.02.2014 respectively in a case registered for the offences punishable under Sections 147, 148, 149, 302, 307, 341 of the Indian Penal Code and 27 of the Arms Act.

It is alleged that 15 F.I.R., named accused persons and 11 unknown variously armed came when Saral Choubey and Kundan Yadav instigated for firing whereupon Kamlesh and Babli Dubey caught hold of Golu Yadav and fired on his ankle thereafter Babli Dubey fired on Birendra Yadav hitting on his chest. Raju Yadav and Tufani Yadav fired at Pramod Yadav hitting on his leg. Kundan Yadav's firing hit to Piyush Mishra. The injured were taken in the hospital but subsequently, Birendra Yadav, Golu Yadav and Piyush Mishra succumbed to the injuries.

It is submitted by learned counsel appearing for the petitioner Bashisth Muni Choubey @ Saral

Choubey that he is only an order giver. Though he is an accused in two other cases.

It is submitted by learned counsel appearing for the petitioner Shashi Bhushan Mishra that no overt act has been alleged against him and only one case is pending against him.

It is submitted by learned counsel appearing for the petitioners Toofani Yadav @ Toofani Ram and Tuntun Singh @ Tuntun Yadav that they alleged to have caused injury to Pramod Yadav but no injury report of Pramod Yadav is on the record. Though the petitioner Toofani Yadav @ Toofani Ram is accused in four other cases but the petitioner Tuntun Singh @ Tuntun Yadav has clean antecedent.

It is submitted by learned counsel appearing for the petitioner Manoj Yadav @ Manoj Kumar @ Manoj Kumar Singh that no specific overt act has been alleged against him and has no criminal antecedent.

It is submitted by learned counsel appearing for the petitioner Raju Singh @ Prem Prakash Singh and Mithilesh @ Biscut Yadav that they alleged to have caused injury to Pramod Yadav but there is no injury report on the record. The petitioner Mithilesh @ Biscut Yadav is concerned, it is submitted that there is no specific accusation against him and has no criminal antecedent.

It is submitted that though the petitioner



Kundan Yadav alleged to have caused fire arm injury to the victim Piyush Mishra having two criminal antecedents whereas the petitioner Babli Dubey caused injury to the chest of Birendra Yadav but paragraph no. 141 of the case diary reflects that the petitioner Babli Yadav was admitted in the Government Hospital at Rajgir on the alleged date of occurrence. The witnesses in paragraph nos. 37 to 39 of the case diary have not alleged specific accusation against Babli Yadav. Piyush Mishra was killed rather by firing made by the informant of the present case which gets reflected from the counter version to the occurrence being Buxer Town P.S. Case No. 83 of 2013.

It is further submitted by learned counsel appearing for the petitioners that two other similarly situated accused persons have been granted bail by this Court vide Cr. Misc. Nos. 22977 of 2014 and 23612 of 2014.

It is submitted by learned counsel for the State that against some of the petitioners there are specific accusations of assault whereas all the petitioners were sharing common intention.

Considering the rival submissions of the parties, this Court is not inclined to grant bail to the petitioners, Babli Dubey and Kundan Yadav since there is specific accusation against them of causing

injury to the victims who subsequently succumbed to the injuries. Hence, their prayer for bail is rejected in connection with Buxar (Town) P.S. Case No. 82 of 2014, pending in the court of the learned C.J.M., Buxar.

Considering the omnibus and general accusation against other accused persons, let the petitioners Bashisth Muni Choubey @ Saral Choubey, Toofani Yadav @ Toofani Ram, Shashi Bhushan Mishra, Manoj Yadav @ Manoj Kumar @ Manoj Kumar Singh, Raju Yadav @ Prem Prakash Singh, Mithilesh @ Biscut Yadav and Tuntun Singh @ Tuntun Yadav, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Buxar, in connection with Buxar (Town) P.S. Case No. 82 of 2014.

U.K./-

(Dinesh Kumar Singh, J)

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