

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43262 of 2018

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Brajesh Singh @ Brajesh Kumar, Son of Mahanthi Singh @ Bhothari Singh, resident of village – Panchachiya Kadanea, P.S.-Dhalbajja (Kadwa O.P.), District – Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 18-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 323, 307 and 353 of the Indian Penal Code, Sections 25(1-B), 26, 27 and 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Petitioner along with eleven other accused persons are said to have arrived at Morsanda Bhaiyaar to extort extortion from the farmers and on arrival of the police there they resorted indiscriminate firing upon the police party and they retreated on arrival of the reinforcement. Out of them, one Nanku Singh was apprehended while others including the petitioner managed to escape. Said Nanku Singh divulged the name of the petitioner as one of his fleeing accomplices in the occurrence. Three loaded pistol and 2 litres of country made liquor were recovered from the



possession of said Nanku Singh and some motorcycles were also recovered from the place of occurrence.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized articles or with the motorcycle in question. He has also no concern with the aforesaid occurrence. Allegation levelled against the petitioner is not specific rather general and omnibus in nature. He was not apprehended on the spot. Barring the aforesaid disclosure made by Nanku Singh, there is nothing in the record indicating the complicity of the petitioner in the occurrence. No one has sustained injury in the firing. He has no criminal antecedent. He has been languishing in custody since 20.04.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II, Madhepura in connection with Chousa P.S. Case No. 86 of 2018, Excise Case No. 159/2018.

(Prakash Chandra Jaiswal, J)

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