

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76299 of 2018

Arising Out of PS. Case No.-206 Year-2018 Thana- BIHIA District- Bhojpur

-
1. Bijaymal Singh, Son of Late Shivji Singh,
 2. Anjay Singh, Son of Bijaymal Singh,
 3. Sanjay Singh, Son of Bijaymal Singh,
- All resident of Village- Anar, P.S.- Bihiya, District- Bhojpur, Ara.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Rai, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-01-2019 Heard learned counsels for the petitioners, informant and learned APP for the State.

Petitioner nos. 1 and 2 are languishing in custody since 28.05.2018, whereas, petitioner no.3 is languishing in custody on 13.06.2018 in a case registered for the offence punishable under Sections 147, 148,149,341,302,504, 506 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case got initiated on the Fardbeyan of Manoj Kumar recorded by S.I. C. Toppo of Ara Town Police Station is to the effect that on 27.05.2018 about 11.45 A.M., the informant was getting the boundary wall erected over his land which is adjacent to the land of the informant, when one Ranjeet Bahadur @ Chotak Kushwaha was also



getting his boundary of the land erected. In the meantime, all the 12 accused persons, including the petitioners, came there and demanded Rs.15,00,000/- or three katha of land as extortion. It is alleged against petitioners that they caught hold Ranjeet Bahadur and assaulted him with fists and slaps. It is specifically alleged that on the order of co-accused, Shambhu Singh, other co-accused Pappu Singh and Dhumraj Singh Yadav resorted to fire on Ranjeet Bahadur @ Chotak Kushwaha. Though, the victim was taken to hospital, but he has been declared brought dead.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute. The specific accusation of firing is against co-accused Pappu Singh and Dhumraj Singh Yadav. It is further submitted that other co-accused persons, namely Deepak Singh and Dhiraj Kumar Singh have been granted bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 47434 of 2018 and Criminal Miscellaneous No.51136 of 2018 respectively. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the informant



that the petitioners were associates of the co-accused persons and arms have also been recovered from the possession of one of the accused persons.

Learned APP for the State after going through the case diary submits that accusation of firing is not against the petitioners, but accusation of demanding extortion is against them.

Considering the fact that accusation being omnibus and general against all the 12 accused persons, there is specific accusation of firing against co-accused Pappu Singh and Dhumraj Singh, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-18, Bhojpur, Ara in connection with Bihiya P.S. Case No. 206 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

