

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7440 of 2020

Arising Out of PS. Case No.-748 Year-2019 Thana- BUXAR District- Buxar

Neeraj Singh @ Ram Babu son of Ramesh Singh R/o Village- Sawna, P.S.-
Itrarhi, District- Buxar, at present Khalasi Mohalla- Buxar, P.S.- Buxar
(Town), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha

For the Opposite Party/s : Mr. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-06-2020 The matter has been taken up through virtual

Court proceeding.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in custody since

23.10.2019 in a case registered for the offences

punishable under Sections 147/148/149/448/307/

120(B) of the Indian Penal Code and Section 27 of the

Arms Act.

The prosecution case as per the written report

of Rishikesh Rai submitted to the S.H.O, Buxar Town

Police Station is to the effect that on 22.10.2019, on

the land of the informant, all the F.I.R. named accused



persons including a mob of 100 unknown came variously armed and tried to fence the land of the informant. The accused persons resorted to fire, causing injuries to three persons, out of whom, one person succumbed to the injuries. Subsequently, the police arrived at the spot then raided the house of co-accused Tara Babu, from where the petitioner and other co-accused persons were apprehended and huge quantity of arms and ammunitions were recovered.

It is submitted by learned counsel for the petitioner that general and omnibus accusation of firing has been made against a mob including the FIR named accused persons.

Though the petitioner was not accused in any case prior to the present case, but subsequent to the filing of the present case, he has been made accused in a case under Arms Act in which he has been granted bail by a Co-ordinate bench of this Court. It is further submitted that similarly situated co-accused persons



Nand Kishore Singh and Niraj Singh have been granted bail by Co-ordinate benches of this Court vide Cr. Misc. No. 7067 of 2020 and Cr. Misc. No. 8441 of 2020.

Learned counsel for the informant and State submit that there is accusation of firing against the petitioner and other co-accused to have fired, as a result, three persons received injury, out of whom, one person has succumbed to the injuries.

Considering the fact that accusation is omnibus and general against the petitioner and others and co-accused persons have been granted bail by Co-ordinate benches of this Court, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Buxar Town P.S. Case No. 748 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to



accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Buxar Town P.S. Case No. 748 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Shageer/saif

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