

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10908 of 2020

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

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TILAK SINGH Son of Shailendra Singh @ Shailendra Kumar Singh Resident
of Village - Dalsagar, P.S. - Buxar (Industrial), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

Mr. Amit Kumar Pandey

For the Opposite Party/s : Mr.Bharat Bhushan(App156)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-02-2020 Heard both sides.

The petitioner seeks bail in Buxar(Town) P.S. Case No.748 of 2019 registered under Sections 147, 148, 149, 448, 307 and 120B of the Indian Penal Code and under Section 27 of the Arms Act.

The informant, Rishikesh Rai named the petitioner along with other accused persons and alleged that they came on his land and started demolishing the wall. When the informant reached there, the accused persons made indiscriminate firing in which three persons sustained firearm injury.

The learned counsel for the petitioner submits that prior to institution of the present case on the basis of the statement of Tara Babu Singh, accused no.1, Buxar (Town)P.S.



Case No.747 of 2019 was registered under Section 302 and other Sections of the Indian Penal Code and Section 27 of the Arms Act. Rishikesh Rai, the informant of the present case, is also an accused in Buxar (Town) P.S. Case No.747 of 2019. The present case has been lodged only to create defence. Tara Babu Singh has alleged that all the accused persons made indiscriminate firing. Bullu Rai fired which hit Raghwendra Pratap Singh @ Shera Singh who died during the course of treatment. Rishu Rai fired which hit Suryajit Singh. One villager also sustained injury. Tunna Singh was also lying in precarious condition. It is further submitted that no specific allegation of firing is made against the petitioner. Similarly situated co-accused namely, Nand Kishor Singh has already been granted bail in Cr. Misc. No.7067 of 2020.

Learned counsel for the informant and learned A.P.P. vehemently opposed the prayer for bail and submitted that police went to the house of Tara Babu Singh and recovered huge quantity of arms and ammunition from the house of Tara Babu Singh. Petitioner was also found at the house of Tara Babu Singh. It is further submitted that petitioner has got criminal antecedent and he is accused in three other criminal cases being Buxar (Town) P.S. Case No.745 of 2019, Buxar (Industrial) P.S.



Case No.261 of 2018 and Buxar (Industrial) P.S. Case No.197 of 2018.

It appears that the petitioner is of course named in the F.I.R. but no specific allegation of firing is made against the petitioner. The recovery of arms and ammunition was made from the house of Tara Babu Singh but nothing was recovered from the possession of the petitioner. Petitioner is in jail since 23.10.2019. Petitioner has already remained in jail for about four months and similarly situated co-accused Nand Kishor Singh has been granted bail.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar(Town) P.S. Case No.748 of 2019.

(Prabhat Kumar Jha, J)

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