

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39431 of 2020**

Arising Out of PS. Case No.-98 Year-2020 Thana- BAGENGOLA District- Buxar

Raju Singh Son of Late Baldau Singh Resident of Village- Dharauli, P.S.-  
Bagen Gola, District- Buxar (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                          |
|----------------------|---|--------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Krishna Prasad Singh Sr. Advocate with<br>Mr. Rakesh Kumar, Advocate |
| For the State        | : | Mr. Shailendra Kumar APP                                                 |
| For the Informant    | : | Mr. Sanjay Kumar, Advocate                                               |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      17-02-2021      Heard learned senior counsel for the petitioner, informant  
and the learned APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Bagen Gola PS Case No. 98 of 2020 instituted for the offence under Sections 147,148,149,341,504, 506, 447 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

There is allegation that an altercation has taken place between the 'Gotiyas' leading to firearm injury and death in the process.

Learned senior counsel for the petitioner submits that even as per prosecution case, specific firearm injury has been attributed against co-accused, namely, Shailesh Kumar Singh and Umesh Singh. The petitioner though stated to be there with his licensed double barrel gun, there is no allegation of firing



against the petitioner. In the circumstances, he submits that other than being a member of the mob, there is no allegation against the petitioner and, under such circumstances, he is in custody since 10.08.2020. The petitioner has two more cases against him and both the cases have been registered for the same occurrence on the same day, in which, he is already stated to be on bail.

The learned APP for the State as well as the informant have opposed the prayer for bail by submitting that he was an armed member of the mob and cannot escape of his criminal liability.

Considering the rival submissions, let the petitioner, above named, be released 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 1<sup>st</sup> Additional Chief Judicial Magistrate, Buxar, in connection with Bagen Gola PS Case No. 98 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

shyambihari/-

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