

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.1258 of 2021**

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

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UMESH SINGH Son of Sri Ram Bahadur Singh Resident of Village -
Dharauli, P.S.- Bagen Gola, District - Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Informant : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-04-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Madan Kumar, learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in
connection with Bagen Gola P.S. Case No. 98 of 2020 registered
for the offences punishable under Sections 147, 148, 149, 341,
447, 504, 506, 307, 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, altogether ten named accused had



assembled at the door of the gotia, Rajendra Mahto where the father of the informant was trying to save himself. All the accused caught hold of the father of the informant and started him taking away on which the informant asked them not to do so. It is alleged that co-accused Shailesh Kumar Singh was having a pistol in his hand from which he fired upon the father of the informant causing him injury on his chest and thigh. It is further alleged that when the brother of the gotia namely Rajendra Mahto and bhabhi Sita Devi came there with the informant, the informant was injured by a shot fired by this petitioner from his pistol on the right leg.

Learned counsel submits that there is a counter version of the case. Annexure - '2' is the counter version giving rise to P.S. Case No. 99 of 2020. Admittedly, there is a land dispute and it is an admitted position that in Title Suit No. 142 of 2015 pending in the court of learned Civil Judge, Senior Division, Dumraon, an injunction had been granted in favour of the petitioner in Miscellaneous Appeal No. 14 of 2017 by learned A.D.J.-III, Court Buxar vide order dated 07.11.2019.

Learned counsel submits that from the counter version of the case, it would appear that the informant side of this case who were all lashed with deadly weapon had attacked the



petitioner side in their house and brutally assaulted them.

Learned counsel submits that the only injury found on the leg of the informant has been attributed to the petitioner, however, the petitioner has remained in jail in connection with the present case since 11.08.2020 and in the nature of the present dispute considering that the petitioner has otherwise no criminal antecedent and he is ready to abide by the terms and conditions which may be imposed upon him for purpose of bail, he may be enlarged on bail.

Learned counsel for the informant has opposed the prayer for bail as according to him, this petitioner has also participated in the alleged occurrence and he had fired upon the informant, though on his leg.

Learned A.P.P. for the State has also opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, the nature of dispute, admittedly there being a land dispute in which injunction is in favour of the petitioner, there is a case and counter case between the parties giving two different versions of the story and the firing allegedly made by this petitioner has not caused injury on the vital part of the body of the informant, the petitioner has otherwise no criminal antecedent and



investigation against him is complete, there being no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Buxar, in connection with Bagen Gola P.S. Case No. 98 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

