

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29114 of 2021

Arising Out of PS. Case No.-261 Year-2020 Thana- ITARHI District- Buxar

RAJU KUMAR SINGH @ RAJU SINGH @ RAJ KUMAR SINGH S/O
DHURENDAR SINGH @ DHURENDHAR SINGH R/O VILLAGE-
UTTAMPUR, POLICE STATION-RAJPUR, DISTRICT-BUXAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27997 of 2021

Arising Out of PS. Case No.-261 Year-2020 Thana- ITARHI District- Buxar

SUNIL KUMAR SINGH Son of Babab Singh @ Shiv Prasad Singh Resident
of Village - Chilbila, Police station - Itarhi, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29694 of 2021

Arising Out of PS. Case No.-261 Year-2020 Thana- ITARHI District- Buxar

1. BABAN SINGH Son of Shiv Prasad Singh @ Dhurendar Singh Resident of
Village- Chilbila, P.S.- Itarhi, District- Buxar.
2. Guddu Kumar Singh Son of Dhurendhar Singh @ Dhurendar Singh
Resident of Village- Uttampur, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29114 of 2021)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

(In CRIMINAL MISCELLANEOUS No. 27997 of 2021)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mrs.Sucheta Yadav

(In CRIMINAL MISCELLANEOUS No. 29694 of 2021)



For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Nagendra Prasad.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-02-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

All the petitions have arisen out of Itarhi P.S. Case No. 261 of 2020 registered for the offences punishable under Sections 341, 323, 307, 504, 506, 34 of the IPC and Section 27 of the Arms Act and accordingly, a common order is being passed in all the petitions.

As per prosecution case, on 25.11.2020 Raju Kumar Singh, Guddu Kumar Singh and Baban Singh (petitioners herein) having armed with katta came at the house of the informant and started abusing and assaulted the inmates of the house. It is further alleged that all the petitioners came at the Khalian of informant and started firing. Fire of petitioner Guddu Kumar Singh hit the right rib of informant. Fire of petitioner Baban Singh hit right chest of Rakesh Kumar Singh. Fire of petitioner Raju Kumar Singh hit on the chest of Bimlesh



Kumar Singh.

Learned counsel for the petitioners submits that petitioners have committed no offence and they have falsely been implicated in the present case due to land dispute between the parties. He further submits that the allegation against the petitioner Raju Kumar Singh @ Raju Singh @ Raj Kumar Singh (Cr. Misc. No. 29114 of 2021) is that he caused firearm injury below the chest of Bimlesh Kumar Singh. He further submits that injury report does not corroborate the prosecution version. He further submits that allegation against all the accused persons is omnibus and general in nature. He further submits that so far as petitioner in Cr. Misc. No. 27997 of 2021, namely, Sunil Kumar Singh is concerned, there is no specific allegation of firing and causing injury against him which is evident from the contents of the FIR. He further submits that so far as allegation against petitioners in Cr. Misc. No. 29694 of 2021, namely, Baban Singh and Guddu Kumar Singh is concerned, Baban Singh caused firearm injury on the right chest of Rakesh Kumar Singh and Guddu Kumar Singh caused firearm injury on the right rib of the informant. He further submits that the allegations are totally false and does not corroborate with the injury report. He further submits that petitioner in Cr. Misc. No.



29114 of 2021 is in jail custody since 02.01.2021 having one criminal antecedent, petitioner in Cr. Misc. No. 27997 of 2021 is in jail custody since 22.12.2020 having clean antecedent and petitioners in Cr. Misc. No. 29694 of 2021 are in jail custody since 22.12.2020 and petitioner no. 1 Baban Singh has got no criminal antecedent whereas petitioner no. 2 Guddu Kumar Singh has got one criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned Additional Chief Judicial Magistrate-IV, Buxar in connection with Itarhi P.S. Case No. 261 of 2020, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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