

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26621 of 2022

Arising Out of PS. Case No.-108 Year-2016 Thana- BUXAR INDUSTRIAL District- Buxar

1. Rahul Singh @ Rahul Kumar Singh Son Of Hawaldar Singh R/O- Vill- Majharia, P.S.- Buxar, Industrial, District- Buxar
2. Kuwar Bhim Singh @ Sugrim Singh @ Sugriv Singh Son Of Hawaldar Singh R/O- Vill- Majharia, P.S.- Buxar, Industrial, District- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Adv. with Mr. Rudrank Shivam Singh, Adv.
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP
For the Informant/s	:	Mr. Sunil Kumar, Adv. with Mr. Pankaj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsels for the petitioners and learned
A.P.P. for the State and learned counsels for the informant.

The petitioners seek regular bail in connection with
Buxar Industrial P.S. Case No. 108 of 2016 lodged under
Sections 147, 148, 149, 341, 323 and 307 of the I.P.C. read with
Section 27 of the Arms Act.

As per the prosecution case, the informant has
narrated his statement in local hospital that on 03.07.2016 at
about 3 PM, he was filling the soil work on his land. It has been

alleged that the named accused persons including the petitioners reached there with fire arms and started abusing and stopped and directed not to fill the soil on the land on which accused Janardan Singh had ordered for fire. The specific allegation against the petitioners are to fire on Amod Upadhyay due to which he injured. Upon *halla*, these petitioners fled away from the place of occurrence. It has been claimed by the informant that all the accused persons have reached there in furtherance of the common intention made a plan and fired on the brother of the informant and other injured Amod Upadhyay with a view to kill.

Learned counsel for the petitioners submit that petitioners are innocent and has committed no offence. Counsel further submits that it is a case of 2016 but due to the observation made by the D.I.G. Police that any further action may be taken only after his supervision (which is Annexure-2). Counsel further submits that petitioners are in custody since 03.03.2022, charge sheet has already been filed in this case. Counsel further submits that there are in total 5 criminal cases pending against the petitioner no. 1 and 2 criminal cases pending against petitioner no. 2. In this regard, counsel submits that in all cases, they are on bail. But in addition to that counsel

submits that the Buxar (Industrial) P.S. Case No. 102 of 2012 and Buxar (Industrial) P.S. Case No. 105 of 2012 has been filed by the uncle of the informant of the present case, whereas the third case was also filed relating to the same transaction of occurrence.

Learned counsel further submits that all the cases bearing P.S. Case No. 102 of 2012 to P.S. Case No. 107 of 2012 are either filed by the informant's side or filed by the accused side. Conclusively, he submits that for the said land dispute, there are case and counter blast case from both the sides. Learned counsel further submits that so far as petitioner no. 2 is concerned, there are only 2 cases pending against him and it is also under the same set. Learned counsel further submits that the informant's side is holding the prominent post of the locality that is *Mukhiya* and entire case has been filed on his instance with a view to hold the supremacy in the locality. Counsel for the petitioners submit that they are ready to fulfill all the conditions whatsoever shall be imposed upon them by the Court.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently

opposes the prayer for the bail and submits that the accused persons want to hold dominance on the area and are very influential persons and it is due to this reason, F.I.R. has been filed in the year 2016 but they have evaded their appearance up to 2022 and only since 03.03.2022 they are in judicial custody. Counsel further submits that if bail shall be granted to them, they shall create every hurdle so that the trial could not be commenced.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners and, therefore, their bail petitions are hereby rejected. But liberty is hereby granted to the petitioners that they may renew their prayer for bail 2 months after framing of charge and the Trial Court is directed to release them on bail thereafter imposing conditions so that they shall not evade their appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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