

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35266 of 2023

Arising Out of PS. Case No.-618 Year-2022 Thana- BARHARA District- Bhojpur

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GHURAL SINGH @ KARAN SINGH @ VIKASH KUMAR SINGH S/O
LALAN SINGH R/O Village- Ekawana, (Akauna), P.S- Barhara, Distt.- Bho-
jpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-07-2023

1. Heard the parties.

2. Petitioner apprehends his arrest in connection with Barhara PS Case No. 618 / 2022 dt- 21.08.2022 instituted for the offence under Section 147, 148, 149, 384, 387 and 307 of the IPC and Section 25(1-b)a , 26, 35, 27 of the Arms Act.

3. As per the prosecution case Police got information that firing was taking place between two groups near the bank of Ganga river in Ekauna village on the issue of extortion of money from boatmen of the river Ganga. The informant and other Police personnel reached near the place of occurrence and they saw that 7-8 persons were engaged in fighting with each other by means of lathi, danda etc. and upon seeing the Police party they starting running away. However, three of them were



apprehended, who disclosed their name as: Vikash Singh, Priya Ranjan Singh and Akash Singh. Upon search, two cartridges were recovered from Vikash Singh. It has further been alleged that apprehended accused person- Vikash Singh, disclosed that he and other persons belonging to his group had assembled at the place of occurrence for extortion of money from boatmen, however, persons belonging to other group, led by the petitioner, arrived there and started firing and in retaliation other group also fired. Police recovered two used cartridges from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated on the basis of the confessional statement of the apprehended co-accused person, who was arrested on the spot. Taking the plea of alibi, learned counsel submits that petitioner was undergoing treatment of his fractured leg at Dhanbad at a private nursing home, which would be evident from Annexure – 3 to the bail application. The petitioner has falsely been implicated at the instance of other group of accused persons.

5. On the other hand, learned counsel for the State submits that the petitioner has been named in the FIR on the basis of disclosure of his name by one of the members of the other



warring group and the Police has also recovered pistol and used cartridges from the place of occurrence. The petitioner has several criminal antecedents, as would be evident from the statement made by the petitioner in paragraph – 3 of the bail petition as well as in the impugned order passed by learned Additional District & Sessions Judge-X, Bhojpur, Ara. He next submits that taking into consideration the nature of offence, the custodial interrogation of the petitioner may be required by the Police.

6. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that petitioner has got criminal antecedent and the plea of alibi taken by the petitioner cannot be considered at the stage of grant of anticipatory bail, as such, I am not inclined to grant anticipatory bail to the petitioner.

7. The application is rejected.

(Anil Kumar Sinha, J)

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