

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50272 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

PINTU SINGH @ ASHISH KUMAR SINGH @ ASHISH SINGH Son of
Late Gopal Singh Resident of village - Dalsagar, P.S.- Buxar Industrial,
District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50591 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

1. Vinod Kumar Choubey @ Vinod Choubey, S/o Late Akshaywar Choubey
2. Abhishek Kumar @ Majhil Singh, S/o Sona Singh.
Both are R/o village- Dalsagar, P.S.- Buxar Industrial Area, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54398 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

HARIDWAR SINGH @ RAJU KUMAR SINGH S/o Late Uday Singh
Resident of Village- Dalsagar, P.S.- Buxar Industrial, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50272 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar Samrendra, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

(In CRIMINAL MISCELLANEOUS No. 50591 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Verma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 54398 of 2022)

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2023 Heard Mr. Rakesh Kumar Samrendra, learned counsel



for the petitioners in the lead case along with the other learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Buxar (Industrial Area) P.S. Case No.112 of 2022 instituted under Sections 147, 148, 149, 323, 341, 379, 385, 427, 504, 506 of the IPC.

As per the prosecution story, the informant alleged that he is working at Chahat Servicing Center owned by Ramesh Kumar Singh who had purchased a land and whenever he tried to construct boundary wall, the accused persons used to demand extortion of Rs.10,00,000/-. The further allegation is that on the fateful day, when after the boundary was being constructed and as they returned, it was informed that the accused persons are breaking the same. As they reached the place of occurrence, it is alleged that they resorted to assault as also indiscriminate firing and further tried to burn the mixing machine.

Learned counsel for the petitioners submit that the alleged occurrence is of 31.05.2022 and the FIR vide Buxar (Industrial Area) P.S. Case No.112 of 2022 was lodged on 02.06.2022 and delay can be easily explained by these petitioners themselves inasmuch as on 31.05.2022 itself the petitioners' side lodged Buxar (Industrial Area) P.S. Case



No.109 of 2022 alleging assault by the present informant/associates in which one of the petitioner is (Cr. Misc. No.54398/2022) suffered gun shot injuries. As they lodged the FIR on 31.05.2022, as a counterblast, the present FIR came to be lodged.

It is the further contention of Mr. Rakesh Kumar Samrendra that a bare perusal of the FIR would show that only to save their skin, the allegations have been levelled against the accused persons and in the backdrop of the fact that while the petitioners herein have suffered injuries, there is no injury on the side of the informant side as also the fact that the petitioner Pintu Singh as also Vinod Kumar Choubey and Abhishek Kumar do not have criminal antecedent, they deserve bail.

Further submission is that so far as the petitioner Haridwar Singh is concerned, taking into account the injury that he has suffered despite the fact that he has criminal antecedent, it is clear that he has been implicated in this case.

Learned APP on the other hand submitted that these petitioners were aggressor and the occurrence took place on the land of the informant and as such they do not deserve bail.

Taking into account the fact that the Buxar (Industrial Area) P.S. Case No.109 of 2022 was lodged by the petitioner's



side on 31.05.2022 showing injuries on their side including the fact that one of the petitioner Haridwar Singh had suffered injuries, there is delay of two days by the informant in lodging the FIR, there is no injury on the informant's side and the petitioners are ready to co-operate in the investigation will be regularly appearing in the Trial, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Buxar (Industrial Area) P.S. Case No.112 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Buxar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan/
Ajay

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