

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70000 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

DADAN SINGH Son of Bateshwar Singh R/v- Gopinathpur, P.S.- Itarhi,
District- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71024 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Mohammd Tahir @ Mohammad Tahir Ansari S/O Nijamuddin Ansari R/O -
Naya Bazar Buxar, P.S.- Buxar (Town), Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70000 of 2022)

For the Petitioner/s : Mr.Satyapal Singh

For the Opposite Party/s : Mr.Gulnar Begum

(In CRIMINAL MISCELLANEOUS No. 71024 of 2022)

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek regular bail in connection with
Buxar (Muffasil) P.S. Case No. 153 of 2022 registered for the
offence under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.



As per prosecution case, the informant alleged while his brother namely, Saroj Kumar Singh was going to school, Jagdishpur, in the meantime, FIR named accused persons along with unknown persons surrounded his brother. It is further alleged that co-accused Sangram Yadav, Halchal Yadav and Bateshwar Yadav fired upon his brother due to which he sustained injuries and fell down. Thereafter, his brother was taken to hospital where doctor declared him died.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners are not named in FIR rather they have falsely been implicated in the case at the instance of their enemies. As per FIR, the specific allegation against co-accused persons namely, Sangram Yadav, Halchal Yadav and Baleshwar Yaddav who fired upon the brother of informant due to which he died. It is further alleged that the petitioners were not present at the place of occurrence. Moreover, similarly situated co-accused namely, Niraj Kumar Singh has already been granted bail by a co-ordinate Bench of this Court vide order 23.1.2023 passed in Cr. Misc. No. 47150 of 2022. The petitioners namely, Dadan Singha and Mohammad Tahir are languishing in judicial custody since 26.4.2022 & 14.6.2022 respectively.



Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Buxar Muffasil P.S. Case No. 153 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar.

(Sunil Kumar Panwar, J)

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