

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27677 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

Ritu Singh @ Ritu Ranjan Singh, (Male) aged about 25 years, Son Of Om Prakash Singh Resident Of Village - Majhariya, P.S.- Buxar (Industrial), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71762 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

SURENDRA SINGH, (Male) aged about 75 years Son of Late Avdhesh Singh Resident of Village - Majhariya, P.S.- Buxar (Industrial), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27677 of 2023)

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 71762 of 2023)

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

10 01-03-2024 Heard learned counsels appearing on behalf of the parties.

2. Petitioners seeks bail in connection with Buxar (Industrial) P.S. Case No. 196 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302,



504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution story, it is a case of land dispute between the petitioners and the informant's family, wherein during Durga Puja festival, the informant and his family members were fired upon indiscriminately by the petitioners and other co-accused persons. During course of firing, the brother of the informant, Dharmendra Singh was shot by the petitioners and other co-accused persons who later on died in the hospital. Saroj Singh and Ajay Singh also received gunshot injury during the altercation.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the pretext of land dispute. There is general and omnibus allegation against the petitioners and nothing has been recovered from the conscious possession of the petitioners, only two live cartridges were recovered from the possession of the petitioner no.1 Ritu Singh. He next submits that brother of the petitioner no.1 has also filed a case against the informant, i.e., Buxar (Industrial) P.S. Case No. 77 of 2012 and due to that, the petitioner no.1 was later on implicated in this case. The petitioner no.2 Surendra Singh is an old person of 75 years and he has got no criminal



antecedent as para-3 of the petition and he has further submits that petitioner no.2 was only an order giver. The petitioner no.1 is in custody since 18.10.2022 and petitioner no.2 is in custody since 16.03.2023.

5. Learned APP for the State vehemently opposed the prayer for bail of both the petitioners and stated that both the petitioners are named in the FIR and there is direct allegation of involvement against the petitioners.

6. On perusal of the FIR, case diary, impugned order, postmortem report and Inquiry report, it appears that there is specific allegation against the petitioners and other named persons in the FIR. Petitioner no.1 Ritu Singh and petitioner no.2 Surendra Singh and other co-accused persons fired gunshots at the informant and his family members due to which several persons received gun shot injuries. Both the petitioners are named in the FIR along with other co-accused persons and the prosecution witnesses have also supported the case of prosecution. On perusal of the case diary, there is direct involvement of both the petitioners. The postmortem report also states that the brother of the informant died due to multiple gunshot injury and inquiry report also shows gun shot injury of family members of the informant, Ajay Singh.



7. Considering the above allegation, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, the prayer for bail of the petitioners is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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