

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81083 of 2024

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

Doman Singh S/o- Awadesh Singh Vill- Akuna Ps-Barhara Dist-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 13-12-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Barhara Police Station Case No. 618 of 2022, dated 21.08.2022, disclosing offences under Sections 147/148/149/384/387/307 of the Indian Penal Code and Sections 25(1-b)a/26/35/27 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that the 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 the petitioner has falsely been implicated in the present case due to village politics. The allegation against the petitioner is general and omnibus in nature and he was not present at the place of occurrence. He next submits that his name has transpired on the basis of disclosure made by arrested co-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 the arrested co-accused persons. The police has also recovered pistol and used cartridges from the place of occurrence. The petitioner has two criminal antecedents. He further submits that taking into consideration the nature of offence, custodial interrogation of the petitioner may be required.

- 6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that petitioner got criminal antecedents, I am not inclined to grant the petitioner privilege of anticipatory bail.
- 7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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