

	<u>Court of the Addl. District & Sessions Judge XI Vaishali, Hajipur</u> <u>S.T. NO. 307/2019</u> State Vs Mukesh Singh & Others	
08/03/22	ORDER Custody accused namely Vinod Singh @ Babu Saheb was produced before this court through video conferencing. While on the behalf of rest two accused namely Mukesh Singh and Bacchu Sah @ Danger a representation petition was filed and same was allowed only for today. Record was put before me for order on petition filed on dt. 11-01-2022 filed U/S 227 of the Cr.P.C. on the behalf of the accused namely Bacchu Sah @ Danger. By way of discharge petition the accused/petitioner has submitted inter-alia that the present S.Tr. No. 307/2019 which has been arose from Mahnar P.S. Case No. 8/2019 which is instituted for the offence punishable u/s 147, 148, 149, 353, 307, 420, 467, 468 of the I.P.C. and 25(1-a) 25(1-b) (a), 26, 27, 35 of the Arms Act. The petitioner has brought in the present case by saying by the prosecution that the criminal were shot dead at the hut of the petitioner, where as the petitioner has not contained any land in the said area and there is no his hut in any respect. While from the perusal of C.D. it is evident that it is vehemently said that the hut where action was taken belongs with the petitioner but no any evidence regarding possession and title over said hut of the accused-petitioner has been brought on the record. While every government machinery are in their hand and further any specific allegation has not been leveled against the aforesaid petitioner by the I.O. and or by other relevance of documents. While Ld. Counsel for the aforesaid accused-petitioner has been submitted that there is allegation against the petitioner that other co-accused persons laced with sophisticated arms were present in the hut of present accused-petitioner namely Bacchu Sah @ Danger. But real fact is that present petitioner neither has any land or any hut on his land or any land but with view to implicate to the present petitioner in this alleged occurrence police authority has falsely alleged that co-accused were present in the hut of present petitioner with sophisticated arms and furthermore there is no material on record to frame the charge against the present petitioner. As such the petitioner deserves to be discharged from this case. While otherside ld. A.P.P. Sri Shabd Kumar appearing on the behalf of the state has submitted that instant case has been lodged on the basis of statement made by informant namely Birendra <u>Contd.....page 02</u>	

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Kumar Medhavi who is non else but the police inspector of the Special Task Force, S.I.G. Patna who and other police personnel raided at the alleged hut of present petitioner and in the course of alleged raid cross-firing were made by the accused persons named in F.I.R. in which one accused also sustained bullet injury and died on spot and further present petitioner and other co-accused were arrested from the place of occurrence and it is specific allegation that accused-petitioner was present at the place of occurrence with other accused persons and he was trying to escape away by riding on the motorcycle of co-accused Vinod Kumar Singh and co-accused namely Mukesh Singh who was also on the said motorcycle was making firing upon the police force. While present petitioner was sitting in the middle of aforesaid both co-accused persons and was uttering filthy words against police force and all witnesses of case diary have fully supported the case of prosecution and after due investigation police has submitted charge-sheet against petitioner and other and there is ample material on record to frame the charge against the present petitioner u/s 147, 148, 149, 353, 307, 420, 467, 468 of the I.P.C. and u/s 25(1-A), 25(1-B) a 26, 27/35 of the Arms Act. Accordingly it has been prayed to reject the instant petition filed on behalf of present petitioner.

Heard the both parties at length and perused the entire case record. From perusal of case record it is evident that in on the basis of written report of informant namely Birendra Kumar Medhavi, police inspector, S.T.F., S.I.G. Patna present case was lodged u/s 147, 148, 149, 353, 307, 420, 467, 468 of the I.P.C. and u/s 25(1-A), 25(1-B) a 26, 27/35 of the Arms Act against present petitioner and others. Further, from record it appears that present petitioner was present with other accused persons and he was also uttering the filthy words against the police force and further it is alleged that all the miscreants were present in the hut of present petitioner with sophisticated arms and when police force raided on the said hut they made firing upon police force with intention to kill to the police personnel. Further, from perusal of seizure list it is evident that sophisticated arms and ammunition and other incriminating articles have been recovered either from the possession of other accused and from the place of occurrence and present petitioner was also arrested from place of occurrence. During investigation this case has been found to be true against present petitioner and accordingly charge-sheet u/s 147, 148, 149, 353, 307, 420, 467, 468 of the I.P.C. and u/s 25(1-A), 25(1-B) a 26, 27/35 of the Arms Act was submitted

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against present petitioner and on receipt of charge-sheet having consideration the materials available on record Id. C.J.M. Vaishali took the cognizance in this case u/s 147, 148, 149, 353, 307, 420, 467, 468 of the I.P.C. and u/s 25(1-A), 25(1-B) a 26, 27/35 of the Arms Act against the present petitioner and others and from perusal of case diary as well as other materials available on record it is evident that there is sufficient material on record to frame the charge u/s 147, 148, 149, 353, 307, 420, 467, 468 of the I.P.C. and u/s 25(1-A), 25(1-B) a 26, 27/35 of the Arms Act against the present petitioner namely Bacchu Sah @ Danger and others co-accused. So having the consideration above facts as well as submission made by Id. A.P.P. for the state, I am not inclined to discharge the aforesaid accused-petitioner namely Bacchu Sah @ Danger from this case. So the petition U/S 227 of the Cr.P.C. filed on the behalf of the aforesaid petitioner is hereby rejected. Put the record before this court on dated 16-03-2022 for framing charge.

(Dictated & Corrected by me)

(Signed by me)

Asutosh Rai
A.D.J. XI
Vaishali, Hajipur

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