

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32447 of 2015

Arising Out of PS.Case No. -38 Year- 2014 Thana -PIPRIYA SAHAYAK District- LAKHISARAI

1. Gongu Bhagat Son of late Khelo Bhagat Resident of Village Pathuya,P.s
Pipariya, Distt Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Upendra Kumar (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 06-11-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 447, 506 and 302 of the
I.P.C and section 27 of the Arms Act.

Allegedly, when the husband of the informant was at
his door, co-accused Indal Bhagat fired at him causing fire arm
injury and the petitioner also fired from his pistol at him resulting
the husband of the informant died on the spot. Bina Devi daughter
of the informant tried to save her father but was pushed by the
accused persons and thereafter the accused persons fled away after
opening fire. The incident took place due to Mukhiya election at
the instance of Mohan Bhagat, the Mukhiya.



Submission is of false implication and that F.I.R has been lodged after delay. There is no independent witness. All the witnesses are hear say and Bina Devi has specifically stated in paragraph- 10 of the case diary that co-accused Indal Bhagat shot the deceased from close range with rifle and the petitioner also shot with pistol but it is not stated as to where the petitioner shot and the doctor has found only one injury during postmortem with blackedge over left matoid region of skull and as such the petitioner who is suffering in custody since 05.01.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner has also opened fire.

In the facts and circumstances as stated above, considering that the doctor has found one wound of entry and one wound of exit with inverted margin and blackedge which is attributed to co-accused Indal Bhagat and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Lakhisarai in Piparia P.S. Case No. 38 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial

and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--