

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17050 of 2017

Arising Out of PS.Case No. -301 Year- 2016 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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Prakash Kumar, S/o Paramhans Bhagat, Resident of Village- Bajitpur, P.S.-
Bidupur, Distt- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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

2 03-05-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Bidupur
P.S. Case No. 301 of 2016 registered for the offences punishable
under sections 147, 148, 149, 341, 323, 324, 307, 302 and 120(B)
of the Indian Penal Code and 27 of the Arms Act.

Allegedly, the petitioner and others FIR named
accused persons alongwith 8-10 unknown entered into the house
of the informant. The accused Surender Bhagat opened fire upon
Ashok Kumar which hit his chest, abdomen and ribs as a result of
which he became seriously injured. When Sangita Devi came for
rescue she was also shot at causing fire-arm injury in her chest,



mouth and head and all the accused persons after opening fire surrounded the house of the informant so that the injured may not be able to come to hospital. Further, anyhow, from backdoor the injured were brought at Bidupur primary health center from there they were referred to Hajipur and from Hajipur they were referred to PMCH, Patna but Sangita Devi died and Ashok Kumar also died during treatment.

Submission is false implication and that petitioner was only the member of the mob and no overt act has been alleged against him. Injuries on the deceased have been found caused by fire-arm.

In this case, other co-accused namely, Sunita Devi, Pramod Kumar, Vinod Kumar, Bindeshwar Singh and Raoushan Kumar have been allowed bail by learned court below itself and the case of the petitioner is similarly situated.

The learned A.P.P. duly assisted by learned counsel for the informant oppose the prayer of bail but they are not in a position to differentiate the case of the petitioner from those co-accused who have already been allowed bail.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like



amount each to the satisfaction of the learned CJM, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 301 of 2016, 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)

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