

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7500 of 2019**

Arising Out of PS. Case No.-301 Year-2016 Thana- BIDUPUR District- Vaishali

PAWAN KUMAR Lal Babu Bhagat Resident of Village-Kutubpur, P.S.-  
Bidupur, District -Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

3      06-03-2019                      Heard learned counsel for the petitioner and learned  
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Sessions Tr. No. 138A/2017 arising out of Bidupur P.S. Case No. 301 of 2016 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 302/120(B) of the Indian Penal Code and 27 of 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.

It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case. There is specific allegation of firing against co-accused Surendra Bhagat. Petitioner is only member of the mob and no overt act has been alleged against him. Injuries on the deceased have been found to be caused by fire-arm. In this case, other co-accused have been granted bail by learned court below itself as contained in Annexure-4 series and other co-accused has been granted bail by this Hon'ble Court as contained in Annexure-5. Petitioner is in custody since 06.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge I/c. Vaishali at Hajipur, in connection with Sessions Tr. No. 138A/2017 arising out of Bidupur P.S. Case



No. 301 of 2016 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(S. Kumar, J)**

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