

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31641 of 2019

Arising Out of PS. Case No.-32 Year-2018 Thana- BHITAHA District- West Champaran

1. SANJAY PATEL @ SANJAY SINGH Son of Late Naresh Patel
2. Kanhaiya Patel Son of Late Ganesh Patel
Both Resident of Village- Bhuidharwa, P.S.- Bhitaha, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 09-08-2019 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in **Bhitaha P.S. Case No. 32 of 2018**, instituted for the offence under Section(s) 302, 120(B), 34 of Indian Penal Code, Sections 25(1-b)a, 26 and 27 of the Arms Act.

It is alleged in the written report that on the date of occurrence, petitioner along with other co-accused surrounded the father of the informant when he was taking care of the seeds of two Bakhar. It is further alleged that petitioner No. 1 fired from very close range on the chest of father of the informant, on account of which, he fell down and subsequently died.



Allegation against petitioner No.2 is that he along with other co-accused caught hold the hand of the deceased.

Learned A.P.P. has submitted that in the post mortem report one firearm injury has been found on the chest of the deceased.

In such circumstances, there is direct allegation against petitioner No. 1 of causing firearm injury to father of the informant in his chest, on account of which, he died on the spot.

Therefore, this Court is not inclined to grant bail to petitioner No. 1.

Prayer for bail of petitioner No. 1 stands rejected.

So far as petitioner No. 2 namely, Kanhaiya Patel is concerned, there is no allegation of making firing against him. There is general and omnibus allegation that he caught hold the hand of the deceased.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner No. 2 namely, Kanhaiya Patel, for grant of bail is allowed. Let the petitioner No. 2 above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, Bagaha, (West Champaran)** in



connection with **Bhitaha P.S. Case No. 32 of 2018**, subject to
the condition that both the bailors will be close relatives of the
petitioners.

(Sanjay Priya, J)

S.Ali/-

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

