

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57720 of 2019

Arising Out of PS. Case No.-157 Year-2019 Thana- MIRGANJ District- Gopalganj

MOTUK NATH @ MOTAK NAT, aged about 46 years, Son of Sahwaj Nat,
Resident of Village-Nain Matihani, P.S.-Mirganj, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Harendra Prasad, Advocate.
For the Opposite Party : Mr.Dinesh Singh,A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 341, 323, 307, 427, 304(A) and
504/34 of the IPC.

The prosecution story, in brief, is that on 25.06.2019,
the informant Shankar Sharma came with *Barat* of his son
Dharmendra Kumar to the house of Sudama Sharma at Mirganj.
Cultural Programme was going on in the *Barat*. At 1.30 A.M. in
the night, local people started snatching chairs forcibly for
which dispute arose but the matter was pacified by some people.
After some time, 10 persons came variously armed with Lathi-
Danda and assaulted the *Barat Party*, as a result of which, they
started fleeing away after sustaining injuries. The *Barat* was



staying in the side of main road. In the meantime, an unknown Scorpio vehicle came from the side of Siwan and dashed the people of Barat and fled away in which Somu Sharma, Amarjit Prasad, Aakash Kumar, Raushan Kumar, Krishna Sharma, Anupam Kumar and Dipu Kumar sustained injuries. In course of treatment, Somu Sharma and Amarjit Prasad died. Accused persons damaged two vehicles of Barat Party. Motak Nut (petitioner) was caught at the place of occurrence.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 26.06.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. In the Barat, scuffle had taken place. In course of that, everyone was fleeing away. While fleeing away, the petitioner was apprehended. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. No overt act is alleged against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let



the petitioner above named, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of
the like amount each to the satisfaction of the learned Additional
Chief Judicial Magistrate-XVI, Gopalganj, in connection with
Mirganj P.S. Case No. 157 of 2019.

(Sudhir Singh, J)

U.K./-

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

