

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7091 of 2020**

Arising Out of PS. Case No.-145 Year-2017 Thana- BOCHAHAN District- Muzaffarpur

Ghanshyam Patel @ Jai Ghanshyam Patel, aged about 40 years , (Male), son of Ramdeni Ray, Resident of village – Choupar Madan, Police Station – Bochahan, District – Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kanhaiya Prasad Singh, Sr. Advocate  
For the Opposite Party/s : Mr. Nand Kishore Prasad, Advocate  
Mr. Sanjeev Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

6      26-06-2020                      Heard Mr. Kanhaiya Prasad Singh, learned senior counsel for the petitioner, Mr. Nand Kishore Prasad, learned counsel for the State and Mr. Sanjeev Kumar, learned counsel for the informant through video conferencing.

Petitioner seeks regular bail in connection with Trial No. 2052 of 2019 arising out of Bochahan P.S. Case No. 145 of 2017 registered for the offence under Section 302, 307, 120(B) of the I.P.C. and Section 27 of the Arms Act.

The allegation against the petitioner as per the First Information Report lodged by the informant – Ram Shreshtha Sahni is that on the date of occurrence i.e. on 24.07.2017 at 6.00 P.M. at N.H. 57 the informant saw that with four motorcycles and one Scorpio, petitioner as well as 15 named accused and



three unknown accused persons were standing and in the meanwhile, brothers of the informant Ram Sringar Sahni and Mahendra Paswan came on motorcycle then the petitioner and two other accused persons ordered to kill the brothers of the informant upon which the accused persons started firing with pistols and when the informant raised alarm, they fled away. Thereafter, informant brought his brothers Ram Sringar Sahni and Mahendra Paswan and admitted them in Maa Janaki hospital, Bairiya, where Ram Sringar Sahni died and for better treatment the second brother of the informant Mahendra Paswan was brought to P.M.C.H. where during the course of treatment he also died.

Learned senior counsel for the petitioner submits that there is no specific allegation of firing upon the petitioner. Learned senior counsel further submits that petitioner is merely an order giver and he has falsely been implicated due to previous enmity between the side of the petitioner and the prosecution. Learned senior counsel further submits that co-accused who are allegedly involved in firing upon the deceased have been granted bail by learned court below as well as this court inasmuch as Monu Mishra has been granted bail by learned Sessions Judge in B.P. No. 1927 of 2017 on



31.08.2017 , Subodh Patel has been granted bail by this court in Cr. Misc. No. 40517 of 2018 on 17.07.2018 and Bittu Thakur @ Bitu Thakur has been granted bail by this court in Cr. Misc. No. 22104 of 2018. Learned senior counsel referring to the impugned order further submits that the deceased Ram Shringar Sahni was a veteran criminal and till 2017 he was charge sheeted in 22 criminal cases such as Arms Act, Dacoity, kidnapping etc.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is a history sheeter inasmuch as eight cases are pending against the petitioner and the petitioner is the main conspirator in murder of two brothers of the informant inasmuch as the co-accused Subodh Patel and Monu Mishra in their confessional statement before Police have disclosed that they had been hired by the petitioner for killing the brothers of the informant and they were paid a sum of Rs. 3.5 lakhs by the petitioner out of the total agreed amount of Rs. 7 lakhs to be paid to them.

Having regard to the submission made by the parties and upon perusal of materials available on record as well as the case diary it appears that during the course of investigation the



contract killers i.e. co-accused have admitted that they were hired by the petitioner for killing the brothers of the informant.

Accordingly, taking into consideration the fact that investigation discloses the involvement of the petitioner as the main conspirator, I am not inclined to grant regular bail to the petitioner at this stage and the same is rejected. However, if the trial does not record progress, the petitioner may renew his prayer for bail after completion of one year in custody from today.

**(Anil Kumar Sinha, J)**

praful/-

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