

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18909 of 2020

Arising Out of PS. Case No.-477 Year-2018 Thana- MAJHAULIA District- West Champaran

1. MANI BHUSHAN @ MANAV CHAUBEY Son of Ganesh Choubey Resident of Village - Mahmada Chaubey Tola, P.S. - Mehsi, District - East Champaran.
2. Sohan Kumar Patel Son of Late Satrudhan Patel Resident of Village - Thikaha, Ashwari Math, P.S. - Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.. Ajay Kumar Thakur, Adv.
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-09-2020 Heard Sri Ajay Kumar Thakur, the learned counsel for the petitioners and Sri Rajendra Nath Jha, the learned APP for the State.

The petitioners seek regular bail in connection with Manjhaulia P.S. Case No. 477 of 2018, registered for the offence punishable under Sections 387, 307/34 of the Indian Penal Code and Section 27 of the Arms ACT.

The informant is stated to be cleaning the shop on the alleged date and time of occurrence, where he was working as a labourer and in the meantime, two miscreants riding on one Apache



motorcycle arrived there and engaged in indiscriminate firing resulting in the informant sustaining injury and falling down on the ground. The informant is stated to have been taken to the Primary Health Centre, Manjhaulia from where he was referred to M.J.K. Hospital, Beittah for better treatment and subsequently to PMCH, Patna.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that no Test Identification Parade has been held till date in order to ascertain the complicity of the petitioners in the alleged crime. As far as the criminal antecedent of the petitioners is concerned, the learned counsel for the petitioners has referred to paragraph no. 10 of the present petition to submit that only after the petitioners were arrested in Mahesi P.S. Case No. 419 of 2018 dated 19.11.2018, upon the so-called confessional statement made by one Sanjeet Kumar Choudhary, the petitioners have been remanded in all other



cases, which have been mentioned in paragraph no. 3 of the present petition. It is further submitted that without rhyme and reason, the petitioners are rotting in custody since 11.11.2019.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that neither any Test Identification Parade has been held till date to connect the petitioners with the alleged crime nor any substantial evidence has been collected during the course of investigation against the petitioners herein and moreover, the petitioners are stated to have been made accused in the present case on the basis of confessional statement of one Sanjeet Kumar Choudhary, which in itself raises suspicion regarding the mode and manner of implication of the petitioners in the alleged crime, I deem it fit and proper to direct for release of the petitioners on regular bail.



Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Manjhaulia P.S. Case No. 477 of 2018.

(Mohit Kumar Shah, J)

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