

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25628 of 2020

Arising Out of PS. Case No.-189 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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ABHISHEK BHARTI Son of Ram Kishore Bharti @ Ram Kishor Ram
Resident of Village - Bahadurpur, P.S.- Meenapur (Panapur O.P.), District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-11-2020 Heard Mr. Dilip Kumar Roy, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, Additional Public

Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with

Kanti PS Case No. 189/2020 registered for the offence

punishable under Sections 147, 148, 149, 448, 341, 323, 307,

354(B), 379, 504 of the IPC and Section 27 of the Arms Act,

subsequently, 302 of the IPC was also added.

3. The allegation, as per First Information Report, is

that while informant was sitting along with his family members,

the petitioner along with other accused persons entered into the

house of the informant, some of them started firing, scattered

the household articles and also looted away Rs. 10-12 thousand.



It is further alleged that the daughter of the informant was mishandled with ulterior design and when brother of the informant came to her rescue, he was assaulted by iron rod, who received grievous injury and later on, died.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to land dispute. Learned counsel for the petitioner further submits that there is land dispute between co-accused, Vinay Kumar and informant of this case.

5. Learned counsel also submits that after investigation the police submitted the charge-sheet against the petitioner and other three arrested accused under Sections 147, 148, 149, 448, 341, 323, 307, 354(B), 379, 504 of the IPC and Section 27 of the Arms Act and further the police did not find the allegation under Section 302 IPC as true.

6. Learned counsel further submits that other similarly situated co-accused persons, namely, Niraj Kumar and Vikash Kumar have been granted bail by this Court vide Cr. Misc. No. 25688/2020 and the petitioner is in custody since 29.03.2020.

7. Having regard to the submissions made by the



parties and taking into consideration the material on record and the fact that similarly situated co-accused persons, namely, Niraj Kumar and Vikash Kumar have been granted bail by this Court vide Cr. Misc. No. 25688/2020 and the petitioner is in custody since 29.03.2020, I am inclined to grant regular bail to the petitioner subject to the conditions that (1) petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below (2) 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 petitioners.

8. Accordingly, let the petitioner, ABHISHEK BHARTI be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, (West) Muzaffarpur in connection with Kanti PS Case No. 189/2020.

9. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social



distancing.

(Anil Kumar Sinha, J)

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