

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25584 of 2020

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

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GAUTAM KUMAR Son of Bhikhari Sahni @ Bhikhari Sahani Resident of
Village - Barabharti, 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. Ramakant Sharma, Sr. Adv. Mr.Dilip Kumar Roy, Adv.
For the Opposite Party/s :		Mr. Anil Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-11-2020 Heard the learned Senior Counsel appearing
for the petitioner, Sri Ramakant Sharma and Sri
Anil Kumar Singh, the learned APP for the State.

The petitioner seeks regular bail in connection
with Kanti P.S. Case No. 189 of 2020, registered for
the offence punishable under Sections 147, 148,
149, 448, 341, 323, 307, 354(B), 379, 504 of the
Indian Penal Code, Section 27 of the Arms Act and
later on, Section 302 of the Indian Penal Code was
added.

The case of the prosecution in brief is that
when the informant was sitting at his door along
with his family members on 27.03.2020 at about
8:30 PM., 13 named accused persons including the



petitioner herein had entered in the house of the informant and had started firing from their arms, whereafter they had also committed loot in the house of the informant. It is also alleged that the accused persons had misbehaved with the daughter of the informant and when the brother of the informant had come to rescue her, he was assaulted by iron rod resulting in him sustaining grievous injury, whereafter he had died subsequently.

The learned Senior Counsel for the petitioner, Sri Ramakant Sharma, has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 29.03.2020. The learned Senior Counsel for the petitioner has further submitted that the police, upon investigation, has submitted charge-sheet against the petitioner and others under Sections 147, 148, 149, 448, 341, 323, 307, 354(B), 379 and 504 of the Indian Penal Code as well as Section 27 of the Arms Act, however, the charge-sheet has not been



submitted under Section 302 of the Indian Penal Code. The learned Senior Counsel for the petitioner has further submitted that the brother of the informant has died on account of the disease of lungs, liver and kidney as has been certified by the Doctor upon going through the postmortem examination, its finding and histopathological report of the deceased, which is available in the case diary. It is also submitted that a general and omnibus allegation has been levelled against the petitioner and no specific allegation of any sort of overt act has been levelled as far as the petitioner is concerned. Lastly, it is submitted that similarly situated co-accused persons have already been granted the privilege of bail by coordinate Benches of this Court vide orders dated 30.09.2020 and 12.11.2020 passed in Criminal Miscellaneous No. 25688 of 2020 and Criminal Miscellaneous No. 25628 of 2020.

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 petitioner and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by coordinate Benches of this Court, apart from the fact that minuscule evidence is present in the present case, as is apparent from a bare perusal of the case diary, qua the petitioner herein, so as to prima facie prove his complicity in the alleged occurrence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate (West), Muzaffarpur in connection with Kanti P.S. Case No. 189 of 2020.

(Mohit Kumar Shah, J)

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