

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30293 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- GAIGHAT District- Muzaffarpur

1. SHAMBHU SINGH S/o Kishori Singh Resident of Kanta Pirauchha, P.S.-Gayghat, District-Muzaffarpur.
2. Sijay Singh S/o Kishori Singh Resident of Kanta Pirauchha, P.S.-Gayghat, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Sri Ramsevak Chaudhary, the learned APP for the State.

The petitioners seek regular bail in connection with Gayghat P.S. Case No. 95 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 506 of the



Indian Penal Code.

The petitioners and other accused persons are stated to have arrived at the door of the house of the cousin brother of the informant, armed with lathi, sticks and farsa, whereafter the accused persons are alleged to have assaulted the members of the prosecution party resulting in death of the father of the informant.

The learned counsel for the petitioners has submitted that as far as the petitioners are concerned, there is no allegation of any sort of specific overt act and they are also not alleged to have assaulted the father of the informant, hence, it is submitted that the petitioners are not having any complicity in the matter. It is further submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having a clean antecedent and they are languishing in custody since 15.05.2020.

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 petitioners and taking into account the fact that a general and omnibus allegation has been levelled against the petitioners herein and no allegation of any sort of specific overt act much less that of assaulting the deceased has been levelled against the petitioners herein, 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 ACJM, 15th, Muzaffarpur in connection with Gayghat P.S. Case No. 95 of 2020.

(Mohit Kumar Shah, J)

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