

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18998 of 2021

Arising Out of PS. Case No.-76 Year-2019 Thana- ROSHANGANJ District- Gaya

1. SURENDRA SINGH BHOGTA SON OF MOHAN BHOGTA
2. RAMJEE BHUIYAN @ RAMJEE BHARTI SON OF KRISHNA BHUIYAN
BOTH RESIDENT OF VILLAGE- AMBAKHAR, P.S. ROUSHANGANJ,
DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-10-2021 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 147, 148, 149 and 120B of the Indian Penal Code, section 27 of the Arms Act and sections 16, 18 and 20 of the U.A.P. Act.

As per the prosecution case, the three accused persons including the two petitioners herein who belong to the Maoist group and are active members thereof were regularly threatening the husband of the informant. It is stated that ten days ago they had threatened the brother-in-law (devar) of the informant with dire consequences, in Delhi. A few days ago all the three accused returned to their village, from Delhi. It is



stated that the accused persons including 7-8 others as a result of pre-planned conspiracy came armed with sophisticated weapons and shot the husband of the informant as a result of which he died.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the F.I.R. are false and concocted. The petitioners have been falsely implicated in the case because of village politics. The informant is not an eye witness to the occurrence. No material has transpired in course of investigation to connect the petitioners with the alleged crime. The petitioners are in custody since 5.8.2020 and 12.8.2020 respectively.

The application for bail is opposed by learned A.P.P. for the State who submits that besides being named in the F.I.R. there is specific allegation against the petitioners. The informant has supported her statement in her further statement recorded in paragraph no. 6 of the case diary. Further, the allegation of indiscriminate firing by the petitioners and others has also been supported by the witnesses in their statements recorded in paragraph nos. 7, 8 and 9 of the case diary.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners



together with the material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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