

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30353 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- SONBERSA District- Sitamarhi

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Brajesh Bharti @ Brajesh Kumar aged about 30 years Son of Lalbabu Mahto
Resident of Village - Sonbarsa, P.S.- Sonbarsa, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on the alleged date and time of occurrence all the FIR named accused persons including the petitioner, armed with pistol entered the house of the informant and fired shot with intent to kill her son who fled to upper floor of the building. Accused persons caught him and brought him down and fired at him as a result of which he died on the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to village politics as the deceased was of criminal history and he might have been killed by his rivals. There is



general and omnibus allegation against the petitioner and no specific overt has been alleged against him. Further, no substantive evidence has been collected during course of investigation to suggest as to who was the author of the injury leading to the death of the victim. Medical report does not support the prosecution case as the doctor has found only two firearm injuries on the person of the deceased. Petitioner is in custody since 8.1.2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties and materials available on the record, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate VII, Sitamarhi in Sonbarsa Police Station Case No. 36 of 2020 on the following conditions:-

(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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the



Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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