

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23389 of 2020

Arising Out of PS. Case No.-188 Year-2019 Thana- BARURAJ District- Muzaffarpur

Manoj Kumar Son of Vinod Sah @ Binod Sah Resident of Village-Aaspatti
Parsauni, P.S.-Sahebganj, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection with Baruraj P.S.
Case No. 188 of 2019 registered for the offence punishable
under Sections 307 and 120-B read with 34 of the Indian Penal
Code and Section 27 of the Arms Act and the charge-sheet has
been submitted under Sections 302, 307, 120-B of the Indian
Penal Code and Section 27 of the Arms Act.

The FIR is based on the oral statement of one
Upendra Prasad Kushwaha. He has stated in his oral statement
that he runs eatery shop and sells *Bhuja*, *Pakaudi* etc. at Neerpur
Chawk under Baruraj police station. On 11.09.2019 at about
07:30 p.m., one Subodh Singh came at his shop and took ten
eggs omelet. Thereafter, some scuffle took place between them.



On the same day, at about 08:00 p.m., after winding up his business, he along with his brother Mahendra Prasad Kushwaha was returning to his house by his motorcycle. At around 08:30 p.m., three persons riding on motorcycle intercepted them and one of them having pistol in his hand fired at at them, as a result of which, his brother Mahendra Prasad Kushwaha sustained bullet injury in the right side of his rib whereas he himself received injury in his right hand and both of them fell down from the motorcycle. On raising alarm by them, miscreants fled away from the place of occurrence.

Learned counsel for the petitioner submitted that in the first information report, one Subodh Singh and 3-4 unknown miscreants have been made accused. During investigation, the petitioner was apprehended on suspicion only. He has not been put on T.I. parade and save and except wild suspicion, there is no other material to connect him with the alleged offence. He has further contended that since the informant was well known to the petitioner, if he would have been involved in the offence, he would have certainly named him in the first information report itself.

Learned counsel for the State after perusing the case diary submits that the petitioner was arrested on the report of



spy. Except the report of spy, there is no other material in the case diary against him.

Regard being had to the materials on record and the submissions advanced on behalf of the parties, the petitioner is directed to be released on bail, on furnishing bail bond of Rs.10,000/-(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Baruraj P.S. Case No. 188 of 2019

(Ashwani Kumar Singh, J)

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