

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38814 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- BHAGWANPUR District- Vaishali

Ashutosh Kumar Singh Son Of Late Maheshwar Singh @ Late Maheshwar Prasad Singh Resident Of Village - Bithauli, P.S.- Bhagwanpur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Surendra Kumar
Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2021 Heard the learned Advocate for the petitioner, learned counsel for the informant and the learned APP for the State.

The petitioner seeks bail in connection with Bhagwanpur P. S. Case No.47 of 2021, instituted for the offences under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 08.04.2021, he is a person with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would



manifest that informant alleges that while he along with his friend Rajnish Chandra Singh @ Gopal Singh were returning home on their motorcycle and reached near Chatara Bridge at Imadpur village, then Rajnish Kumar Singh @ Raju came on his motorcycle and fired at Gopal Singh on his left temple and he fell down. It is further alleged that thereafter Amit Kumar Singh @ Amit Kumar @ Santi along with his father also came with an intention to kill, but fled away on seeing the villagers and the local people. It is further alleged that it was this petitioner, who had hatched conspiracy for committing the occurrence.

The learned counsel for the petitioner submits that from perusal of the F.I.R., it would manifest that specific allegation of firing is against Rajnish Kumar Singh @ Raju, who is alleged to have killed the friend of the informant namely Gopal Singh and as far as this petitioner is concerned, he is alleged to be the conspirator of the crime.

The learned counsel for the petitioner submits that co-accused Amit Kumar Singh @ Amit Kumar @ Santi has been granted bail by order dated 08.12.2021 in Cr. Misc. No.37164 of 2021 and co-accused Binu Kumar Singh @ Binu Kumar has been granted bail by order 09.12.2021 in Cr. Misc. No.36520 of 2021.



The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposes the regular bail of the petitioner, but is not able to meet the submission of the learned counsel for the petitioner that petitioner is not alleged to be the main assailant.

Considering the fact that the petitioner is in custody since 08.04.2021, he is a person with clean antecedent, charge-sheet has been submitted in the case and co-accused persons have been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Bhagwanpur P. S. Case No.47 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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