

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40544 of 2021

Arising Out of PS. Case No.-428 Year-2020 Thana- SUGAULI District- East Champaran

Om Prakash Kushwaha @ Om Prakash Kumar Son of Chanchal Singh
Resident of Village - Muda Chhapra, Ward No.- 12, P.S.- Sugauli, District -
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Digvijay Kumar Ojha Mr. Ashok Kumar Mishra
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 14-12-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Sugauli P.S. Case No. 428 of 2020, registered for the offence under Sections 147, 149, 341, 323, 307, 302 of the Indian Penal Code.

As per the F.I.R., twelve named and 30-40 unknown persons, armed with various weapons, assaulted husband of the informant. It is further alleged that this petitioner alongwith co-accused Yado Lal Kushwaha fired upon husband of the informant, which hit in his head, and during course of treatment, husband of the informant died. The reason of the occurrence is grazing of the field of co-accused Yado Lal Kushwaha by goat of the informant.



It is submitted on behalf of petitioner that the alleged occurrence took place on 06.08.2020, deceased died on 12.08.2020 and his *post-mortem* was done on 13.08.2020, but after lapse of 22 days i.e. on 28.08.2020, the present F.I.R. has been lodged and there is no plausible explanation of delay, which creates doubt over the entire prosecution case. It is further submitted that in fact, earlier for the same occurrence, one of the co-accused had lodged a case against husband of the informant and others, vide Sugauli P.S. Case No. 396 of 2020, and thereafter, the present F.I.R. has been lodged. In fact, informant is not eye-witness of the occurrence and due to previous enmity, this false case has been lodged against petitioner and others. Petitioner is in custody since 10.02.2021. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as period of custody, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in



connection with Sugauli P.S. Case No. 428 of 2020.

(Prabhat Kumar Singh, J.)

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