

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35749 of 2020

Arising Out of PS. Case No.-46 Year-2020 Thana- MANSI District- Khagaria

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Sujeet Kumar S/o Late Brijnandan Prasad Yadav R/o Village- East Thatha,
P.S.- Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kanhaiya Prasad Singh, Sr. Adv. Mr. Diwakar Upadhyaya, Adv.
For the State	:	Mr. Ram Sevak Choudhary, APP
For the Informant	:	Mr. Bharat Bhushan, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-03-2021 Heard the learned Senior Counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Mansi P.S. Case No. 46 of 2020, registered for the offence punishable under Sections 307, 302, 34 of the Indian Penal Code and Sections 25(I-A), 26, 27 of the Arms Act.

The case of the prosecution in brief is that on 08.02.2020 at about 8:30 pm., when the informant was talking with her husband, she heard the sound of firing, whereafter, she along with her husband proceeded towards the place of firing and after sometime, 8-10 persons had



proceeded towards the house of Brijnandan Mukhiya and had caught her husband, whereafter the accused persons including the petitioner herein had shot her husband.

The learned Senior Counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 15.02.2020. The learned Senior Counsel for the petitioner has further submitted that apart from the present case i.e. Mansi P.S.Case No. 46 of 2020, the police had filed one other case bearing Mansi P.S.Case No. 47 of 2020, for the same occurrence and in the said case, the learned court below has already granted bail to the petitioner by an order dated 19.05.2020 passed by the learned Sessions Judge, Khagaria in Bail Application No. 283 of 2020. It is further submitted that a general and omnibus allegation has been levelled against all the accused persons and there is no allegation of any sort of overt act having been engaged in by the petitioner herein.



Per contra, Sri Bharat Bhushan, the learned counsel for the informant and Sri Ram Sevak Choudhary, the learned APP for the State have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds that prima facie, minuscule evidence is available on record so as to connect the petitioner with the alleged crime, a general and omnibus allegation has been levelled and no allegation has been levelled against the petitioner of him having engaged in any sort of overt act, apart from the fact that charge-sheet has already been filed by the police and the investigation is complete and there is no complaint of tampering of evidence, as against the petitioner, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.



Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Khagaria in connection with Mansi P.S. Case No. 46 of 2020.

(Mohit Kumar Shah, J)

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