

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.758 of 2021

Arising Out of PS. Case No.-246 Year-2019 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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GOPAL KUMAR son of Vishandeo Thakur Resident of Village- Dubaha, P.S.
Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Bhushan
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 10-08-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Kazi Mohammadpur P.S. Case No.

246 of 2019 instituted for the offences under Sections 341,

323, 384 and 307 of the Indian Penal Code and Section 27

of the Arms Act.

It has been alleged in the F.I.R. by the owner of a

truck that his driver was assaulted by two motorcycle borne

youths. They were looking for the owner of the vehicle.

Learned counsel for the petitioner has submitted

that he has not been named in the F.I.R. His name has



transpired in this case during the course of investigation. Two persons, namely, Ranjeet Kumar Singh and Deepak Kumar have named the petitioner and one Raushan Kumar as the motorcycle riding youths. Learned counsel for the petitioner has submitted that no doubt the statement of aforesaid Ranjeet Kumar Singh and Deepak Kumar which have been recorded in paragraph 32 and 33 of the case diary refers to the name of the petitioner also as one of the miscreants but they have not explained the circumstance under which they were present at the time when the occurrence had been committed. Their statement, therefore, appears to be with the purpose of falsely implicating the petitioner. The other accused persons of this case, namely, Raushan Kumar has been arrested and has been granted bail by the court below.

Regard being had to the afore-noted circumstances and the accusation against the petitioner being solely based on the statement of the two of the witnesses who have not disclosed the occasion for their being present at the time of occurrence, the provisional bail granted to the petitioner vide



order dated 24.06.2021 is confirmed.

The petitioner shall remain on the same bail bonds.

The application stands allowed.

(Ashutosh Kumar, J)

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