

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2799 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

=====

DHARAMNATH KUSHWAHA SON OF LATE RAM AVTAR KUSHWAHA
RESIDENT OF VILLAGE - BARAI PATTI, POLICE STATION -
YADOPUR, DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Mr.APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 07.07.2020 in connection with Vishambharpur P.S. Case No. 27/2020 registered for the offences punishable under Sections 342/302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 01.03.2020 at about 02:20 p.m. when the informant along with her husband were returning home and reached near the bridge, in the meanwhile, these F.I.R. named accused persons including this petitioner surrounded the husband of the informant and co-accused Manish Kushwaha and Pappu Kushwaha fired upon the chest of husband of the informant and fled away and when the husband



of the informant was carried to Sadar Hospital, doctors declared him brought dead.

It is submitted on behalf of the petitioner that the specific allegation of firing is against Manish Kushwaha and Pappu Kushwaha and they are the assailants of the deceased. It is further submitted that so far as this petitioner is concerned, no overt act has been alleged against him nor the petitioner is alleged to have been carrying any weapons. It is next submitted that similarly situated co-accused Ranjeet Kushwaha @ Ranjeet Kumar has been granted bail this Court vide order dated 02.02.2021 passed in Cr. Misc. No. 37128 of 2020. Chargesheet has already been submitted in this case. Petitioner is in custody since 07.07.2020.

Considering the nature of allegation and the period of custody, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned ACJM, 10, Gopalganj, in connection with Vishambharpur P.S. Case No. 27/2020, subject to following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Saif/-

U		T	
---	--	---	--

