

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5225 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- VAISHALI District- Vaishali

SHASHI BHUSHAN BHAGAT SON OF LATE RAM CHANDRA
BHAGAT R/O VILLAGE- BHAGWANPUR RATTI TOLA, RAMPUR
RUDRA, P.S.- VAISHALI, DISTRICT- VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajballabh Singh, A.P.P.
For Informant	:	Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-06-2021 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the informant

through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Vaishali P.S. Case No.
328 of 2020 registered under section 307 and other sections of
the Indian Penal Code and section 27 of the Arms Act.

At the outset, it is submitted by learned counsel for
the petitioner that the brother of the informant having died in
course of treatment, a petition has been filed in the learned
Court below for adding section 302 of the Indian Penal Code.

As per allegation in the F.I.R., the eleven named
accused persons including the petitioner herein are stated to



have come variously armed. Over a dispute, it is stated that Ram Avatar Bhagat gave orders to kill. Manish Kumar @ Chintu fired from his rifle hitting the informant's brother on his chest as a result of which he fell down. Ram Babu Kumar fired on the informant, which scraped his head. All the accused persons assaulted with *lathi, danda* etc.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. The manner of occurrence is other than what has been narrated in the F.I.R. The petitioner has been falsely implicated in the case because of pending land dispute between the parties including Title Suit no. 95 of 1987 and Sessions Trial no. 210 of 1992. It is submitted that the specific allegation of firing is not on this petitioner. The allegations are general and omnibus in nature. The petitioner is in custody since 2.10.2020 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but it is as a result of common intention of the accused persons and firing as a result thereof, that led to the death of the informant's brother. The allegations



of assault are on all including the petitioner herein.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the specific allegation of firing is on Manish Kumar @ Chintu and Ram Babu Kumar, together with the petitioner having remained in custody since 2.10.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Vaishali P.S. Case no. 328 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Hajipur.

(Partha Sarthy, J)

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