

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61050 of 2021**

Arising Out of PS. Case No.-145 Year-2017 Thana- BOCHAHAN District- Muzaffarpur

JAY GHANSHYAM PATEL @ JAY GHANSHYAM S/o LATE RAMDENI
RAI R/o VILLAGE-CHAUPAR MADAN, P.S.- BOCHAHAN, DISTRICT-
MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 27-10-2021 Heard Mr. Manoj Kumar, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor for the State.

Petitioner renews his prayer for bail in connection
with Bochahan PS Case No. 145/2017 corresponding to
Sessions Trial No.118/2020 registered for the offence
punishable under Sections 302, 307, 120B of the Indian Penal
Code and Section 27 of the Arms Act inasmuch as earlier bail
application of the petitioner was rejected *vide* order dated
26.06.2020 passed in Cr. Misc No. 7091/2020 (Annexure-1)
with liberty to renew his prayer for bail after one year, if the trial
does not record any progress.

The allegation against the petitioner as per the First



Information Report lodged by the informant- Ram Shreshtha Sahni is that on the date of occurrence i.e., on 24.07.2017 at 6:00 P.M. at N.H. 57, the informant saw that with four motorcycles and one Scorpio, petitioner as well as 14 named accused and three unknown accused persons were standing and in the meanwhile, brother of the informant Ram Sringar Sahni and Mahendra Paswan came on motorcycle then the petitioner and two other accused persons ordered to kill the brothers of the informant upon which the accused persons started firing with pistols and when the informant raised alarm, they fled away. Thereafter, informant brought his brothers Ram Sringar Sahni and Mahendra Paswan and admitted them in Maa Janaki hospital, Bairiya, where Ram Sringar Sahni died and for better treatment the second brother of the informant Mahendra Paswan was brought to P.M.C.H where during the course of treatment he also died.

Learned counsel for the petitioner submits that from perusal of the First Information Report, it would be evident that the petitioner is merely an order giver and has falsely been implicated in this case due to previous enmity. Learned counsel next submits that after investigation, the police has submitted final form in favour of sixteen accused persons including the



petitioner not sending them for trial.

Learned counsel also submits that some of the accused persons have been granted bail by different co-ordinate Benches of this Court *vide* Annexure-5 series. It is further submitted that petitioner is in custody since 07.10.2019 and this Court, earlier, while rejecting the prayer for bail of the petitioner had granted him liberty to renew his prayer for bail after one year.

Regard being had to the submissions made by the parties and taking into consideration the material on record and the fact that after investigation, police has submitted final form in favour of the petitioner not sending him for trial, petitioner is in custody since 07.10.2019, similarly situated co-accused *vide* Annexure-5 series have been granted bail by the different Benches of this Court, and this is the second attempt for bail on behalf of petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, JAY GHANSHYAM PATEL @ JAY GHANSHYAM be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 12th Additional Sessions Judge, Muzaffarpur in



connection with Bochahan PS Case No. 145 of 2017
corresponding to Sessions Trial No. 118/2020.

(Anil Kumar Sinha, J)

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