

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15755 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- MEHANDIA District- Jehanabad

1. RAM BALI BHAGAT AND OTHERS LATE CHANESHWAR BHAGAT
R/O VILLAGE MUSSEPUR PS MEHANDIYA DIST ARWAL
(JEHANABAD)
2. GANESH KUMAR SON OF RAM BALI BHAGAT R/O VILLAGE
MUSSEPUR PS MEHANDIYA DIST ARWAL (JEHANABAD)
3. KANHAIYA KUMAR SON OF aTUL bBHAGAT R/O VILLAGE
MUSSEPUR PS MEHANDIYA DIST ARWAL (JEHANABAD)

... .. Petitioner/s

Versus

THE STATE OF BIHAR THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-02-2022 Heard Mr. Sanjay Kumar Singh, learned Advocate
for the petitioner and the learned APP for the State.

A permission has been sought to withdraw the application with respect to petitioners no. 1 and 3 (Ram Bali Bhagat and Kanhaiya Kumar, respectively), who have been arrested during the pendency of this application.

The application with respect to petitioners no. 1 and 3 is dismissed as having become infructuous.

The petitioner no. 2 seeks bail in anticipation of his arrest in connection with Mehendiya P.S. Case No. 83 of 2020 dated 27.07.2020 instituted for the offences under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.



The accusation in the FIR is that approximately 14 persons came to the house of the informant and assaulted the members of the prosecution party. Co-accused Shashi Kumar is said to have opened fire which hit the son of the informant in his arm.

Learned counsel for the petitioner no. 2 has submitted that there is a counter version of the occurrence lodged by co-accused Pankaj Bhagat who is the uncle of the petitioner vide Mehendiya P.S. Case No. 84 of 2020. Three persons are said to have been injured in the occurrence; all of whom have received simple injuries. Nothing specific has been attributed against the petitioner no. 2.

The petitioner no. 2 is not only the neighbour of the informant but is also a party to the land dispute in which both sides are involved. He is a young person of 21 years and only in a bid to make all the persons of the other side an accused in this case, he too has been named.

Considering the afore-noted facts, the petitioner no. 2 (Ganesh Kumar) is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal, Jehanabad in connection with Mehendiya P.S. Case No. 83 of 2020, subject to the conditions as laid down under Section 438(2)



Cr.P.C.

(Ashutosh Kumar, J)

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