

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21286 of 2022**

Arising Out of PS. Case No.-267 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

1. Dilip Patel Son of Late Pukar Patel Resident of Village - Nazirpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.
2. Harishankar Kumar @ Harishankar Patel Son of Mr. Pawan Patel Resident of Village - Chaupar Madan, P.s- Bochhan, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Shri Ajay Kumar Thakur, Sr. Advocate
	:	Mr. Nilesh Kumar, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 02-09-2022 Heard learned senior counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Bochahan P.S. Case No. 267 of 2021 dated 20.10.2021 for the alleged offence registered under Sections 147, 148, 149, 323, 307, 504, 505, 506 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and are in custody since 22.10.2021.

The allegation against the petitioners is to make assault to the informant and others by using fire arms, causing



fire arm injury, with intention to cause their death.

Learned senior counsel, Shri Ajay Kumar Thakur, appearing on behalf of the petitioners submitted that occurrence is nothing but a free fight between two different groups of supporters, in connection with local panchayati election of '*Mukhiya*'. It is submitted that from bare perusal of the F.I.R., it appears that the specific allegation of fire is against co-accused, namely, Arbind Kumar, where both of the petitioners were mere standing nearby and allegation was raised for the reason that petitioner no.1 is the brother of mukhiya candidate, namely, Baby Patel. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that allegation of firing is not against these petitioners.

In view of the facts and circumstances, as mentioned above, as specific allegation of firing is against co-accused, where both the petitioners were mere standing nearby coupled with the fact that petitioners are persons of clean antecedent, where chargesheet has already been submitted, let both



petitioners, above named, are directed to be released on bail in connection with Bochahan P.S. Case No. 267 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Muzaffarpur/concerned Court, subject to the following conditions:

“(i) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be Jai Ghanshyam, who is the brother-in-law (*Behnoi*) of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Archana/-

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