

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42536 of 2021**

Arising Out of PS. Case No.-54 Year-2021 Thana- GOGRI District- Khagaria

UPENDRA CHOURASIA Son of Surju Chourasia @ Burju Mandal Resident  
of Village - Barimalia, P.S.- Gogari, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      06-01-2022              Heard the learned counsel appearing for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Gogari  
P.S. Case No. 54 of 2021 for the offence punishable under  
Sections 326, 307 and 34 of the Indian Penal Code and Section 27  
of the Arms Act.

The allegation is regarding the co-accused persons having  
arrived at the place of occurrence upon being directed by the  
petitioner herein, whereafter one co-accused person namely Banti  
Kumar is alleged to have fired gun shot on the informant resulting  
in him receiving gun shot injury on his back.

The learned counsel for the petitioner has submitted that  
the petitioner is innocent, has been falsely implicated in the  
present case, is having a clean antecedent and he is languishing  
in custody since 18.03.2021. It is further submitted that no  
specific allegation of any kind of overt act has been alleged qua



the petitioner herein and the petitioner is an old person aged about 70 years, hence some sympathy may be shown by this Court for the purposes of grant of regular bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also considering the fact that there is no allegation of any sort of specific overt act having been committed by the petitioner herein apart from the fact that he is having a clean antecedent and is languishing in custody since a long time, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogari P.S. Case No. 54 of 2021, G.R. No. 396 of 2021.

**(Mohit Kumar Shah, J)**

S.Sb/-

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