

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44823 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- NAUGACHIA District- Bhagalpur

ASHISH KUMAR @ ASHISH CHAIBALA Son of Rajendra Manjhi
Resident of Rajendra Colony (Bishay Tola), P.S.- Naugachia, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Nagendra Prasad, the learned APP for the State.

The petitioner seeks regular bail in connection with Naugachia PS case no. 109 of 2020 instituted for the offences punishable under Sections 302/34 of Indian Penal Code and 27 of Arms Act.

The allegation is regarding the son of the informant having been called by the co-accused person namely Harsh Singh Rajput to a place, where the other co-accused persons



including the petitioner herein, were waiting and when the informant's son had reached there, the co-accused person namely Bharat Paswan had given a *katta* blow upon the son of the informant, resulting in his subsequent death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 01.03.2021. The learned counsel for the petitioner has further submitted that the firearm injury sustained by the son of the informant resulting in his death, is attributable to the co-accused person namely Bharat Paswan and the petitioner can at best be stated to be a member of the unlawful assembly, hence a sympathetic view may be taken for the purposes of grant of bail to the petitioner herein. Lastly, it is submitted that similarly situated co-accused person namely Kanahaiya Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.06.2021, passed in Cr. Misc. no. 4548 of 2021.

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 parties and taking into account the materials available on



record as also considering the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a co-ordinate Bench of this Court, apart from the fact that the petitioner is not stated to be the person who had fired upon the son of the informant, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M. 1st, Naugachia in connection with Naugachia PS case no. 109 of 2020.

(Mohit Kumar Shah, J)

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