

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50150 of 2021

Arising Out of PS. Case No.-230 Year-2021 Thana- SHERGHATI District- Gaya

AAKASH KUMAR Son of Dilip Prasad @ Dilip Kumar Resident of Mohalla
- Kali Bari, Sahmir Takya Road, Police Station - Civil Line, District - Gaya .
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Sherghati P.S. Case No. 230 of 2021 instituted for the offences
under Sections 147, 148, 149, 341, 323, 342, 302, 120(B) of the
Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 16.04.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that on 15.04.2021, at about
05:00 A.M., he along with his family members were cutting
wheat crops from east of N.H. 83, at that time, about 09:45
A.M., ten vehicles came on the land and unloaded stones and



sands and started marking by white cement, further they started constructing a boundary wall which was protested by him and his family members, further all the persons starting firing and the criminals were called by Prabhat Lal. Further the accused persons started indiscriminate firing and Prabhat @ Lala Shaym Sundar Lal fired hitting one Munni Devi as a result of which she fell down and died during course of treatment. It is next alleged that reason for the occurrence was that the accused were trying to take forceful possession on the land of the informant.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and the land belongs to the family of Prakash Chandra Sinha. Learned counsel further submits that the family had entered into a development agreement of the land through a builder and when the works started, the informant's side came on the land and assaulted the petitioner's side for which Sherghati P.S. Case No. 231 of 2021 came to be instituted against the informant for assaulting the petitioner's side brutally, further allegation of firing as far as this petitioner is concerned is general and omnibus in nature. Learned counsel next submits that co-accused Prakash Chandra Sinha and Ravi Sinha have already been granted bail vide order dated 28.09.2021 passed in Cr.



Misc. No. 50163 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted and other co-accused have been granted bail and one counter case as aforesaid being Sherghati P.S. Case No. 231 of 2021 came to be instituted from the side of the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Sherghati P.S. Case No. 230 of 2021.

(Satyavrat Verma, J)

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