

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49636 of 2022

Arising Out of PS. Case No.-76 Year-2019 Thana- ROSHANGANJ District- Gaya

SURENDRA SINGH BHOKTA Son of Sri Mohan Bhokta @ Mohan Singh Bhokta Resident of Village - Ambarwar, P.S.- Roshanganj, District - Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Javed Jafar Khan, Adv.
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Mohit Shrivastava, Adv.
		Mr. Yogesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-11-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has renewed his prayer for grant of bail in a case registered under section 302 and other sections of the Indian Penal Code, section 27 of the Arms Act and sections 16, 18 and 20 of the U.A.P. Act.

The earlier application for bail of the petitioner was rejected vide order dated 21.10.2021 passed in Cr. Misc. no.18998 of 2021.

As per the prosecution case, the three accused persons including the petitioner herein are said to be the active members of the Maoist group and it is stated that they were regularly



threatening the husband of the informant. It is further alleged that a few days ago all the three accused returned to their village from Delhi. It is as a result of a pre-planned conspiracy that the accused came armed with sophisticated weapons and shot the husband of the informant resulting in his death.

It is submitted by learned counsel for the petitioner that the informant is not an eye witness to the occurrence. The petitioner has been falsely implicated in the case. He is in custody since 5.8.2020 and investigation in the case is complete.

A report was called for from the learned trial court. As per the report received contained in letter dated 18.10.2022 of the learned Judicial Magistrate 1st Class, Sherghati, Gaya, although chargesheet has been submitted, however cognizance has not been taken for want of sanction.

Having heard learned counsel for the parties and taking into consideration the petitioner having remained in custody for more than two years since 5.8.2020, investigation in the case having been completed and inspite of the above period having passed cognizance not having taken, the Court directs the petitioner to be enlarged on bail in connection with Roshanganj (Banke Bazar) P.S. Case no.76 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the
learned Judicial Magistrate 1st Class, Sherghati, District Gaya.

(Partha Sarthy, J)

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