

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68272 of 2021**

Arising Out of PS. Case No.-221 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

RAJPAL KUSHWAHA S/o Udyachandra Bhagat @ Uday Narayan Bhagat
Resident of Village- Banjari, P.S. - Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vishwajeet Kumar Mishra, Adv.
For the State	:	Mr.Manoj Kumar, APP
For the Informant	:	Mr. Lokesh Kumar Singh, Adv.

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

2 05-05-2022 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Manoj Kumar.

The petitioner seeks regular bail in connection with Gopalganj Town P.S. Case No. 221 of 2020, registered for the offence punishable under Sections 307, 326, 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

The allegation is regarding the petitioner and two other co-accused persons, who were travelling on a motorcycle, having overtaken the motorcycle of the informant and when the informant had stopped on the way to ease himself and his father, who was also sitting on the



motorcycle, had proceeded further on foot, two of the co-accused persons, who were travelling on another motorcycle, namely, Mukesh Kushwaha and Bushan Kushwaha, had come towards the father of the informant and fired gunshots from their pistol, whereafter all the three accused persons had fled away. It is alleged that subsequently, the father of the informant had died.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 9.8.2021. The learned counsel for the petitioner has submitted that though the petitioner is an accused in two other cases, but he is on bail in the said two cases. It is also submitted that a bare perusal of the FIR would show that the petitioner has neither been alleged to have fired on the father of the informant nor he is stated to have engaged in any sort of overt act, hence, as far as the petitioner is concerned, he is having no



complicity in the matter.

Per contra, the learned counsel for the informant, Lokesh Kumar Singh and the learned APP for the State have 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 and taking into account the materials available on record as also considering the fact that admittedly, the petitioner is not alleged to have fired on the father of the informant whereas the co-accused persons, namely, Mukesh Kushwaha and Bushan Kushwaha are alleged to have fired on the father of the informant resulting in his death, apart from the fact that the petitioner is languishing in custody since about eight months, though I deem it fit and appropriate to grant bail to the petitioner herein, however, subject to verification of the fact as to whether the petitioner is accused in only two cases as mentioned in paragraph no. 3



of the present petition or in some other criminal cases also.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Gopalganj Town P.S. Case No. 221 of 2020, however subject to verification of the fact that the petitioner is an accused in only two other criminal cases.

(Mohit Kumar Shah, J)

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