

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69011 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- BAHADURPUR District- Darbhanga

MAHESH BHAGAT Son of Shiv Kumar Bhagat Resident of mohalla -
Imambari, P.S.- Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suman Kumar Singh, Advocate Mr. Suresh Chandra Giri, Advocate
For the Opposite Party/s :		Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 21-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bahadurpur P.S. Case No. 28 of 2021 registered for the alleged offences under Sections 325, 326 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the allegation against the petitioner and other co-accused persons is that they fired upon the informant causing injuries in his left leg.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case.



Though, the F.I.R. was recorded on 12.01.2021, the same was sent to the court of C.J.M, Darbhanga on 20.01.2021 and this shows deliberation on the part of the informant. The informant has filed this case to save his skin from a case lodged in Laheriasarai P.S. Case No. 19 of 2021 dated 06.01.2021 registered under Sections 341, 323, 324, 307 and 34 of I.P.C., which was filed by the son of this petitioner who has also been made an accused in this case. From the F.I.R., it is also clear that no specific allegation has been levelled against this petitioner and allegations are general and omnibus against all the accused persons. From the F.I.R., it also appears that several round of firing was made but only one empty cartridge was recovered. The co-accused Aditya Kumar Bhagat has been granted bail vide order dated 23.02.2022 passed in Cr. Misc. No. 37332 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 06.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that petitioner is named in the F.I.R and allegation is that of opening fire upon the informant causing injuries in his left leg.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation against the petitioner which is not specific and



further considering the counter case of the petitioner and his period of custody along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Bahadurpur P.S. Case No. 28 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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