

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71277 of 2021

Arising Out of PS. Case No.-206 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Mohan Prasad Bhagat, S/o- Late Suraj Prasad Bhagat, Resident of Village -
Brit Barji, P.S. - Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Advocate

Mr. Mukesh Kumar Suman, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 12-10-2022 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 Motipur P.S. Case No. 206 of 2021 registered for the alleged offences under Sections 392, 397 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, three masked miscreants chased the motorcycle of the petitioner on which his father was also riding as pillion and the miscreants pushed the



informant and his father who fell down and they started assaulting them. One of the miscreants shot at the father of the informant in his abdomen and snatched money, which was sale proceeds of their shop, and jewellery items of silver and gold along with the mobile phone. The father of the informant was declared brought dead in the hospital. The name of the petitioner transpired as one of the accused persons during investigation.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The F.I.R. has been lodged against unknown and no Test Identification Parade has been conducted for identification of this petitioner as an accused. Nothing incriminating has been recovered from the possession of this petitioner or at his instance. The name of the petitioner came in the confessional statements of the co-accused persons, Om Prakash Kumar and Anil Kumar Bhagat, as they stated that this petitioner used to facilitate the sale of the looted articles. Learned counsel further submits that co-accused persons have been granted bail vide order dated 21.09.2022 passed in Cr. Misc. No. 68980 of 2021 by this court. Charge sheet has been submitted in this case and the petitioner is in custody since 08.07.2021.



Learned APP for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner transpired during investigation.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the period of custody of this petitioner along with submission of charge sheet and grant of bail to other co-accused persons, 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 Additional Chief Judicial Magistrate-II (West), Muzaffarpur in connection with Motipur P.S. Case No. 206 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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