

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31260 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- GOPALGANJ TOWN District- Gopalganj

Bhuri Mian @ Bhutti Mian S/O Late Adalat Mian R/O Village- Basdita Bazar,
P.S and Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, App

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Gopalganj Town P.S. Case No. 62 of 2023 registered for the
offence under Sections 147, 148, 149, 323, 324, 307, 302, 109,
120-B of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.01.2023.

The allegation against this petitioner is to commit
murder of the son of informant alongwith other named co-
accused persons, where immediate cause of occurrence as per
the narration of F.I.R. that deceased belongs to a particular



religion.

Learned counsel appearing on behalf of the petitioner submitted that apparently informant is not the eye witness of the occurrence and entire occurrence is based upon hearsay input as provided to informant by one Chandan Kumar and Shivam Kumar. It is submitted that reason for occurrence as narrated through present F.I.R. is not correct, rather occurrence is out of previous enmities, which developed out of selling of fruits and vegetables in nearby localities. It is also submitted that the specific allegation, as to cause fatal assault is available against other co-accused persons, where no specific overt act is attributed to this petitioner and he was simply a part of mob. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of the fact as implication appears to be made on hearsay input, where even no specific overt act is attributed against petitioner towards commission of this



occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.01.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Gopalganj Town P.S. Case No. 62 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Gopalganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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