

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56279 of 2023

Arising Out of PS. Case No.-412 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Ishwar Deyal Shahi @ Bhola Shahi S/O- Late Sudama Shahi R/O- Village-
Balathari, P.S.- Kuchaikot, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kuchaikot P.S. Case No. 412 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 337, 338, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, while the informant along with his son went to attend the *Shradh Karma*, in the meantime, all the FIR named accused persons including the petitioner and some unknown persons variously armed came there and assaulted the informant and his son. It is further alleged that the accused persons, who were armed with rifle and other weapons also resorted firing. Some of the persons were indulged in pelting



stones and the petitioner was present at the place of occurrence having *Katta* in his hand along with other co-accused persons.

4. Learned counsel for the petitioner submits that even as per the FIR, it is manifest that there is no specific allegation of any overt act against the petitioner. However, the allegation even if it is taken to be true, the petitioner is said to be a member of the mob. He further submits that considering the aforesaid facts, one of the co-accused persons against whom there is allegation that he was also present at the place of occurrence having gun in his hand, has been allowed the anticipatory bail by the court below itself (Annexure-3). He next submits that there is a counter version of the present case being Kuchaikot P.S. Case No. 417 of 2021 and, moreover, genesis of the occurrence is said to be a Panchayat Election, wherein persons of both sides were the supporters of different groups. He next submits that other co-accused persons against whom there is specific allegation and who were nabbed, have also been allowed regular bail by the court below except one, namely, Akhilesh Shahi and said Akhilesh Shahi has also been allowed bail by a co-ordinate Bench of this Court. He lastly submits that the petitioner is a man of fair antecedents and he undertakes that he will fully cooperate in the investigation or in the proceedings



of the Court.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration that there is no specific allegation of any overt act against the petitioner and moreover other co-accused person having similar allegation has been allowed the privilege of anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Gopalganj in connection with Kuchaikot P.S. Case No. 412 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with a further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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