

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74143 of 2022

Arising Out of PS. Case No.-201 Year-2015 Thana- MINAPUR District- Muzaffarpur

1. Shobhit Bhagat @ Shobhilal Prasad
2. Mahesh Prasad Son Of Jagdev Prasad
Both R/O Village- Ismaila, P.S.- Rajepur, District- East Champaran,
Motihari
3. Sohan Kumar Son Of Mahesh Prasad R/O Village- Sodhana P.S.- Siwaipatti,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-07-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since
01.07.2022 in connection with Meenapur P.S.Case No.201 of
2015, F.I.R. dated 09.06.2015 registered for the offence
punishable under Section 302,120(B) of the Indian Penal Code
and Section 27 of Arms Act.

3. Allegation against the accused persons including
the petitioners is that they shot dead the husband of the
informant in the night of 08.06.2015 due to some land dispute.

4. Learned counsel appearing for the petitioners



submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that the informant has implicated the petitioners in the present case on the basis of suspicion. There is no eye witness of the alleged occurrence and except the suspicion, no other material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence and co-accused, namely, Sushila Devi has been granted bail vide order dated 18.01.2016 passed in Cr. Misc. No.1645 of 2016 by a Coordinate Bench of this Hon'ble Court. Thereafter, the said Sushila Devi has been convicted in S.Tr.No.249 of 2016. Thereafter, the said Sushila Devi has been granted bail vide order dated 03.02.2021 passed in Cr. Appeal (DB) No. 429 of 2017. The petitioners are in custody since 01.07.2022.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Meenapur P.S.Case



No.201 of 2015, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The office is directed to deposit the record of Cr. Appeal (DB) No. 429 of 2017 in the concerned Section at once.

(Rajesh Kumar Verma, J)

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