

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71868 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- KHAJAULI District- Madhubani

PRABHAT RANJAN S/o Sri Ashok Kumar Paswan R/o Village- Behta, P.S.-
Benipatti, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate
	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-03-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned senior counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Khajauli P.S. Case No.139 of 2022 registered for the offences punishable under Sections 307, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's son was shot dead by the FIR named persons and this petitioner along with other co-accused persons is alleged to have opened



indiscriminate firing at the informant's son which caused his death.

The main submissions advanced by the learned counsel for the petitioner are that one co-accused namely Badri Yadav who is named in the FIR, has been granted bail by a Co-ordinate Bench of this Court vide order passed in Cr. Misc. No.65834 of 2022, though the petitioner is named in the FIR but against him there is a simple allegation of having threatened the prosecution party and in the second part of the occurrence which relates to murder, the petitioner was not seen along with other co-accused persons who fired at the son of the informant. Further submission is that the tower location of mobile phone of the petitioner also goes to show that he was not present at the place of occurrence on the alleged date and time of the occurrence and the petitioner has passed B.Tech course from Punjab College of Engineering and Technology and he has fair and clean antecedent and for the first time he has been made accused in the present case and he has been languishing in jail since 06.08.2022 and the petitioner has no concern either with the land or with the sand and stone business of the informant which was the genesis of the occurrence.

Learned APP appearing for the State has opposed the



bail prayer.

In view of the facts, as stated above, and mainly considering the petitioner’s fair and clean antecedent and the nature of allegation appearing against him and also the fact that he is not alleged to be one of the assailants who fired at the deceased, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Khajauli P.S. Case No.139 of 2022.

(Shailendra Singh, J)

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