

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86970 of 2024

Arising Out of PS. Case No.-121 Year-2016 Thana- BEGUSARAI TOWN District- Begusarai

Bhushan Kumar @ Bhushni @ Bhusan Mahto S/O Ram Prakash Mahto
Resident of Village- Telia Pokhar Ward No. 22, P.S.- Ratanpur, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with S.T.
Case No. 820 of 2024, arising out of Nagar (Ratanpur) P.S. Case
No. 121 of 2016, instituted for the offences punishable under
Sections 302, 120B/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, when the
informant was at his home, he received information that some
accused persons were assaulting his father. On the basis of the
said information, the informant reached at the place of
occurrence and saw that all the accused persons including the
petitioner were assaulting his father. Seeing the informant, all
the accused persons fled away. The father of the informant was
rushed to the hospital and died during course of treatment. It is



further alleged that the main cause of the occurrence is land dispute. It is further alleged that the accused persons were threatening his father for long.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge has already been framed against the petitioner on 29.10.2024. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that there is no specific allegation levelled against the petitioner. The allegation levelled against the petitioner is general and omnibus in nature. It is next submitted that the petitioner is named accused in FIR but the police after investigation submitted final form finding accusation against the petitioner false but the learned Court below took cognizance against the petitioner. There is no iota of evidence against the petitioner for his implication, rather land dispute came in picture with other co-accused persons. The petitioner is in custody since 10.07.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 27.06.2024 passed in Cr. Misc. No. 41595 of 2024.



5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S.T. Case No. 820 of 2024, arising out of Nagar (Ratanpur) P.S. Case No. 121 of 2016, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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