

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48735 of 2014**

Arising Out of PS.Case No. -9 Year- 2010 Thana -DARPA District-  
EASTCHAMPARAN(MOTIHARI)

Vinod Prasad Sah @ Binod Sah, S/o Basudeo Sah, of Vill. - Siswaniya,  
P.S. Darpa, Distt. - East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate.  
For the Opposite Party/s : Mr. Shyam Kumar Singh (APP)

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL ORDER**

2      04-03-2015      Heard learned counsel for the petitioner and the learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Tr. No.710  
of 2014, arising out of Darpa P.S. Case No.09 of 2010 registered  
under Sections 302, 323, 325, 341, 147, 148, 149 and 504 of the  
Indian Penal Code.

The allegation of the informant, Shiv Narayan Rai, is that  
he received information that his father in course of returning to the  
house from the house of his sister was assaulted by the villagers  
and he had become unconscious then he took his father to the  
Sadar Hospital, Motihari, for treatment where his father regained  
consciousness and disclosed the name of Amiri Sah, Shiv Rai,

Gopal Rai, Hari Lal Sah, Vinod Prasad Sah (petitioner) and Guddu Sah, as his assailant and his father died in course of treatment in the hospital.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the informant is not an eye witness to the occurrence and he came to know about the name of the assailant through his father (deceased) after regaining consciousness by his father. It is also submitted that while the police submitted the chargesheet against the other accused and submitted final form against the petitioner but the learned Magistrate took the cognizance of the offence against the petitioner. The petitioner is in custody since 02.09.2014. Moreover, the co-accused, Gopal Rai vide order dated 13.08.2010 passed in Criminal Misc. No.27435 of 2010, Harilal Sah vide order dated 05.10.2010 passed in Criminal Misc. No.25322 of 2010, Shiv Rai vide order dated 03.03.2011 passed in Criminal Misc. No.1977 of 2011, who are also named in the F.I.R. alongwith the petitioner, have already been granted bail by different Benches of this Court.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand)

with two sureties of the like amount each to the satisfaction of Sri K. Prasad, Judicial Magistrate, Raxaul at Motihari, East Champaran, in connection with Tr. No.710 of 2014, arising out of Darpa P.S. Case No.09 of 2010.

**(Rajendra Kumar Mishra, J)**

**P.S./-**

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