

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40352 of 2015

Arising out of PS.Case No. -296 Year- 2013 Thana -VAISHALI District- VAISHALI(HAJIPUR)

Vinod Sah, S/o Bishu Sah, resident of Village Rahimpur Suhai, P.S. Vaishali, District Vaishali.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

For the Petitioner : Mr. Rajeev Ranjan No.II, Advocate.

For the Opposite Party : Mr. Durgesh Nandan (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

3 27-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 06.06.2014 in connection with Vaishali P.S. Case No. 296 of 2013(G.R. No. 5192/2013) for the offences instituted under Sections 147, 148, 149, 341, 323, 324, 379, 447, 307, 302 and 504 of the IPC.

The prosecution story, in brief, is that one Parmeshwar Kumar submitted his written application on 15.11.2013 before the S.H.O. of Vaishali P.S. alleging inter alias that on 14.11.2013 at about 4.00 P.M., he was on his shop and in the meantime, on account of ancestral land dispute, all the accused persons came there with deadly weapons and started abusing at the door of his uncle, Birendra Sah and on protest, accused Vinod Sah and



Nagendra Sah who were armed with *Iron rod* and *Farsa* with intention to kill his uncle attacked on his head thereof, he fell down on the ground and received several injuries. It is further alleged that the other accused persons have also assaulted him with *Lathi* and *Danda* and they entered into the shop of his uncle and looted away cash and other articles from the shop. It is also alleged that the injured person was brought to P.M.C. Vaishali but he was referred to P.M.C.H. and during course of treatment, his uncle has died in P.M.C.H.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 06.06.2014 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. As per prosecution case, the petitioner alongwith other co-accused are said to have assaulted the deceased. From perusal of the postmortem report Annexure-3 it would appear that there is only one injury. As to when the allegation of assault is against all the accused including the petitioner. Postmortem report do not support the allegation made in the FIR.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 learned C.J.M., Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 296/2013.

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**(Sudhir Singh, J)**