

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17099 of 2016

Arising Out of PS.Case No. -173 Year- 2012 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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Kamlesh Sah @ Kamlesh Saw, son of Sonelal Sao, r/o Banjhula, PS-
Chakia, Dist- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh

For the Opposite Party/s : Mr. Nazir Ansari(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 27-06-2016

Heard learned counsel for the petitioner and

learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Chakia P.S. case no. 173/2012 registered for the offences
punishable under Sections 341, 323, 325, 307, 302/34 of
Indian Penal Code.

Allegedly, the petitioner and other
co-accused were dragging the son of the informant which
was protested and co-accused Sonelal Sah assaulted the
son of the informant with *dab* on the neck, Babita Devi
gave axe blow on the head and when Rinku Devi came to

save her husband, she was also assaulted. Mukesh Sah also came for rescue but he was also assaulted. Subsequently, Awadhesh Kr. Sah died.

Submission is of false implication and that against the petitioner, there is no allegation for assaulting the deceased, there is specific allegation against Sonelal Sah and Babita Devi. Babita Devi has already been allowed bail and similarly situated co-accused Bhola Sah has also been allowed bail vide Cr. Misc. no. 19968 of 2013 and as such, the petitioner also deserves sympathetic consideration as he is a patient of cancer.

Learned A.P.P. fairly submits that Sonelal Sah is the assailant.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari arising out of Chakia P.S. case no. 173/2012 subject to the conditions that one of the

bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from the privilege of bail.

(Jitendra Mohan Sharma, J.)

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