

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19996 of 2016

Arising Out of PS.Case No. -193 Year- 2001 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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Lakhan Sah @ Lakha Sah Son of late Langat Sah resident of Village Ghasi
Pakar PS Chakia District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar, Shrivastava

For the Opposite Party/s : Mr. P.K.Panday (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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01-08-2016

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

The petitioner is languishing in custody since
22.09.2015 in connection with Trial No. 451 of 2016 arising out of
Chakia P.S. Case No. 193 of 2001 for the offences instituted
under Sections 341,323,324,447,307/34 of the Indian Penal Code
but the charge sheet has been submitted under Sections
341,323,326,307,447,504/34 of the Indian Penal Code.

The prosecution story, in brief, is that on 27.11.2001 at
about 5.00 Hrs while the informant was seated at his door in the
meantime, his brother Lakha Sah (Petitioner) came and given one
leg to him on which the informant caught the petitioner. It is
alleged that the informant's Bhabhi Laxmi Devi who is the wife of
the petitioner came and given two lathi blow on the head of the
informant thereafter, the villagers pacified the dispute. It is further
alleged that the informant gone at the Gwas of Gagandeo Sah and

started eating in the meantime, the petitioner came with Fasuli and asked from the informant to come at house. It is alleged that the informant proceeded for house in the meantime, with a view to kill him the petitioner given Fasuli blow on the neck of the informant causing the neck of the informant was cut. It is further alleged that the informant was taken for treatment at the Doctor Mishra Gee by his brother Gagandeo Sah where the treatment was done.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.09.2015. Charge-sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tempering of evidence against the petitioner. The petitioner happens to be the younger brother of the informant. The alleged occurrence has taken place due to property dispute between the brothers.

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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Chakia P.S. Case No. 193 of 2001.

(Sudhir Singh, J)

Prakash/-

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