

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15367 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -DESARI District- VAISHALI(HAJIPUR)

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Vinay Kumar Sah @ Vijay Sah @ Vinay Sah @ Binay Kumar Sah @
Binay Sah, son of Jawahar Sah, Resident of Village- Murautpur, P.S. Desri,
District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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

4 05-07-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 302 and 34 of the I.P.C

Allegedly, during course of puja the husband of the
informant was assaulted at first by the co-accused, the brother-in-
law of the petitioner and thereafter the petitioner and 4-5 boys
assaulted the husband of the informant with brick, feet and fat
resulting the husband of the informant became unconscious and
thereafter they fled away. During treatment the informant's
husband succumbed to the injuries.

Submission is of false implication and that the
deceased was Bhagat and during puja he fell down on the ground

and sustained injuries, the case has been compromised and the compromise petition has also been filed in the learned court below, in the light of the direction passed in Cr. Misc. No. 51501 of 2015 by order dated 29.01.2016 the petitioner has surrendered and he is in custody since 11.02.2016, there is no specific allegation against him and as such he deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail but fairly submits that there is no specific allegation against the petitioner.

In the facts and circumstances as stated above, the petitioner is directed to 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 C.J.M. Vaishali at Hajipur in Desri P.S. Case No. 129 of 2015, subject to the conditions that one of the bailors must be a 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 privilege of bail.

(Jitendra Mohan Sharma, J)

Abhay/-

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