

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47262 of 2017

Arising Out of PS.Case No. -139 Year- 2016 Thana -RAJPUR District- EASTCHAMPARAN
(MOTIHARI)

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Vinay Sah Son of Shambhu Sah, resident of Village- Mahmadpur
Majhaulia, P.S.- Rajepur, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 27.07.2017 in connection with Rajepur P.S. Case No. 139 of 2016 for the offences alleged under Sections 147, 148, 149, 341, 342, 323, 324, 307, 448, 380 and 504 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and there is case and counter case between the parties who are agnates. It is submitted that Complaint Case No. C-1930 of 2016 was filed on 22.09.2016 by the petitioner's father which was subsequently converted into FIR bearing Rajepur P.S. Case No. 150 of 2016 (Annexure-2) in which the petitioner's wife received severe injuries and subsequently died in course of her treatment. The present FIR has been instituted by the informant's side only in order to save their own skin. The injuries sustained by wife of the informant from the assault are attributable to the petitioner and of the three injuries, two are simple in nature while third one is swelling on little finger and scapular which is on non-vital part of the body.



4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar Motihari, District East Champaran in connection with Rajepur P.S. Case No. 139 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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