

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7094 of 2017**

Arising Out of PS.Case No. -90 Year- 2016 Thana -MARAUNA District- SUPAUL

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Lokesh Sah @ Rakesh Kumar Sah Son of Birendra Sah resident of Village -  
Sakhua, P.S. - Marauna, District - Supaul.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Amit Kumar

Fro the Informant : Mr. Arun

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      18-03-2017      Heard the parties.

This application has been filed in connection with Marouna  
P.S.case No.90 of 2016 for the offence under Sections 147, 148,  
341, 323, 325, 307, 316, 354(A), 379, 427, 504 and 506 of the  
Indian Penal Code, later on Section 302 IPC was also added as  
deceased died.

It is submitted on behalf of the petitioner that there is  
allegation of assault against the petitioner and one another person  
by the “*But*” portion of the Gun on the head of the deceased and  
only one injury was found on the head of the deceased. The  
deceased died after some time of the occurrence. It is further  
submitted that there was no intention of the petitioner to kill the  
deceased and had it been so, he would have fired on the deceased  
by the Gun and not by the “*But*” portion of the Gun. The petitioner



is in custody since 20.10.2016.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail of the petitioner, stating that there is specific allegation of assault against the petitioner on the head of the deceased and he died due to the said injury.

Having heard both sides and in view of the fact that two persons had assaulted on the head of the deceased but only one injury was found on the head of the deceased and furthermore, they have used '*But*' portion of the Gun and the petitioner is in custody for about five months.

Considering the aforesaid facts, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate- 1<sup>st</sup> Class, Supaul in connection with Marouna P.S.Case No.90 of 2016 dated 15.09.2016 .

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the



court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

**(Vinod Kumar Sinha, J)**

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