

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72844 of 2018

Arising Out of PS. Case No.-140 Year-2018 Thana- KESARIA District- East Champaran

1. Binod Sah Son of Late Feku Sah
2. Shushila Devi Wife of Binod Sah Both are Resident of Village- Sarang Pur, P.S.-Keseriya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Sri Manish Kumar 2 (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 13-12-2018 Heard learned counsel for petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in connection with Trial No. 613 of 2018 arising out of Kesariya P.S. Case No. 140 of 2018 registered for the offences punishable under Sections 147, 148, 149, 307, 302 of the Indian Penal Code.

Informant has alleged in his written complaint that FIR named accused including petitioners came to their house and assaulted his father and family members. There is specific allegation against Tarun Sah of causing assault on the father of informant and accused Vikas Kumar and Vishal Kumar of stabbing his father in abdomen and Bhulawan Sha assaulting by



Lathi on his back as a result of which he received grievous injury and subsequently died during treatment, his wife Reshmi Devi was assaulted by accused Vikas Kumar and Vishal Kumar and also by petitioners Vinod Sah and Shushila Devi by knife on her head and left hand.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case due to enmity. The injury report has been enclosed as Annexure-3 series according to which the nature of injury sustained by Reshmi Devi is simple in nature. There is case and counter case and there is land dispute between the parties. Petitioners have no criminal antecedent and they are in custody since 14.05.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XI, Motihari, East Champaran in connection with Trial No. 613 of 2018 arising out of Kesariya P.S. Case No. 140 of 2018, subject to the conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Rajiv/Manoj-

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