

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7570 of 2019

Arising Out of PS. Case No.-282 Year-2018 Thana- HUSSAINGANJ District- Siwan

1. Anil Sah @ Anil Kumar Gupta S/o Keji Sah @ Kiji Sah Resident of Village - Rafipur, P.S- Hussainganj, District-Siwan.
2. Upendra Sah Keji Sha @ Kiji Sah Resident of Village - Rafipur, P.S- Hussainganj, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-04-2019 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners seek bail in a case registered under Sections 147, 148, 149, 341, 323, 302, 307, 504 and 506 of the Indian Penal Code.

The prosecution case in brief is that while the informant along with his uncle reached near house of Jhulan Sah, the accused persons variously armed reached there and after a hot exchange of words, assaulted them, as a result of which, his uncle having received injuries, died in course of treatment.

It has been submitted on behalf of the petitioners that the petitioner No. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners.



The petitioners are in custody since 09-11-2018. Charge sheet has already been submitted. The petitioners have been falsely implicated in the present case. There is no any circumstantial evidence to suggest the implication of the petitioners in the present case. So far petitioner No. 2 is concerned, there is no specific allegation of assault alleged against him.

On behalf of the State and the counsel for the informant, it is submitted that there is specific allegation against the petitioner No. 1 and co accused namely Anil and Banila of assaulting the deceased which led to his death.

Considering the facts and circumstances, I am not inclined to grant bail to the petitioner No. 1. Accordingly, prayer for bail of the petitioner No. 1 is rejected.

So far petitioner No. 2 named above is concerned, he is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Hussainganj P.S. Case No. 282 of 2018.

(Sudhir Singh, J)

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