

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6546 of 2019

Arising Out of PS. Case No.-717 Year-2018 Thana- SAHARSA District- Saharsa

Uday Sada @ Uday Kumar Sada, aged about 22 years, M, Son of Bijay Kumar Sada, Resident of Muhalla-Maharana Pratap Chowk, Ward No. 11, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Adv

For the Opposite Party/s : Mr.Akbar Ali (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 13-02-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Saharsa Sada P.S. Case No. 717 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 506 of the Indian Penal Code and Section 27 of Arms Act.

Informant who is the brother of the deceased has alleged that while he along with his brother were going by motorcycle, petitioner along with other co-accused stopped them near Koshi Chouk and started assaulting them with fist, slap and belt. Thereafter co-accused Babu Sharma fired on his brother which hit on the neck of his brother as a result of which he fell down and died.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Allegation against petitioner is general and



omnibus in nature. There is no direct allegation against the petitioner. Specific allegation against co-accused Babu Sharma is of firing on the brother of informant. Similarly placed co-accused have been granted bail by this court or by co-ordinate bench of this court as contained in Annexure- 2 series. He is in custody since 30.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa, in connection with Saharsa Sadar P.S. Case No. 717 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner 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 his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner 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 petitioner.

(S. Kumar, J)

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