

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8925 of 2019

Arising Out of PS. Case No.-316 Year-2017 Thana- PAHARPUR District- East Champaran

1. MANISH SAH @ MANIB SAH @ MUNIB SAH @ MUNIL SAH, son of Vishwanath Sah,
2. Dharmendra Sah, son of Vishwanath Sah, both R/o village- Kamaal Pipra, P.S- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 27-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in **S. Tr. No.780 of 2018 arising out of Paharpur P.S. Case No.316 of 2017** instituted for the offence under Section(s) 307 and other allied sections of Indian Penal Code.

In the written report, there is specific allegation against petitioner No.1 of assaulting brother of informant with *farsa* causing injury on his head due to which he fell down. Thereafter, petitioner No.1 gave another *farsa* blow to brother of the informant. When son of Ram Chandra Sah (brother of the informant) came to save his father, he was assaulted by



Petitioner No.2 causing serious injury on his head.

Prayer of the petitioners for bail was earlier rejected by order dated 11.10.2018 passed in Cr. Misc. No.60089 of 2018.

A report with regard to present stage of the case was called for, which has been received from which it appears that Charge has been framed in the case on 17.12.2018. Only one witness out of nine witnesses has been examined.

Counsel for the petitioners submits that Petitioners are in custody since 14.06.2018. It is further submitted that allegation against petitioners is of assaulting with farsa, but the doctor has found injuries having caused by hard and blunt object. The trial Court has mentioned that trial is likely to be concluded within one year.

It appears that no substantive progress has been made in the trial after framing of Charge.

In the facts and circumstances of the case, prayer of the petitioners for grant of bail is allowed. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **7th Additional Sessions Judge, East Champaran, Motihari**, in connection with **S. Tr.**



No.780 of 2018 arising out of Paharpur P.S. Case No.316 of 2017, subject to the condition that both the bailors shall be close relative of the petitioners.

Further, (i) the petitioners will remain present on each and every date of trial, (ii) Their absence on two consecutive date(s) without any reasonable cause will make their bail bond liable to be cancelled, and (iii) the petitioners will not intimidate the witnesses in any way and will not hamper the trial.

(Sanjay Priya, J)

J. Alam/-

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