

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8738 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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Lal Babu Sahni Son of Gulli Sahani @ Gulli Choudhary Resident of village-
Machhaha, P.S- Mufassil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Kumar Singh, Advocate
Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-04-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offences punishable under Sections 147/148/149/302/120B
of the Indian Penal Code.

According to FIR, out of seven named accused
persons, five of them including the petitioner caused injury
with sharp cutting weapon on the person of deceased Vikas,
who died while he was being carried to the hospital. There is
no eyewitness of the occurrence; rather the deceased
himself had disclosed about the occurrence in the way to
hospital.



Learned counsel for the petitioner submits that the doctor has found only four injuries on the person of the deceased. Two were incised wounds on the left side of clavicle and left shoulder joint; whereas multiple chop wound were found over the whole face and one chop wound at the forehead of the deceased. The doctor is of the opinion that haemorrhage and shock, due to the above injuries, was the cause of death.

Contention is that it is difficult to attribute as to who out of five caused the referred four injuries. The petitioner is in custody since 05.10.2018. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer for bail.

Considering the entire facts and material available on the record, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Muffasil P.S. Case No.238 of 2018, with condition that petitioner shall



fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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