

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54297 of 2018

Arising Out of PS. Case No.-6 Year-2017 Thana- HARSIDHI District- East Champaran

Sunil Sah Son of Late Raj Banshi Sah @ Rajwanshi Sah, Resident of Village-
Shankar Saraiya, P.S.- Turkaulia, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Sri Nand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 01.06.2018 in a case registered for the offences punishable under Sections 395, 397 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Dhananjay Kumar Pandey dated 09.01.2017 submitted to the Station House Officer of Harsidhi Police Station is to the effect that on 08.01.2017 while the informant and his driver were going on the tractor, in the meantime, one Marshal vehicle overtook and made the tractor stop and thereafter, started assaulting the driver of the informant and the persons who were sitting in the Marshal vehicle, and were addressing each other as



Jahir Mian, Vikash Ram and Kanhaiya, when Kanhaiya robbed the tractor of the informant and co-accused Sunil Thakur and the petitioner, Sunil Sah poured ether on the face of the driver of the informant and also resorted to fire but it did not cause any injury. It is alleged against the petitioner that the petitioner resorted to fire on the informant which caused injury to Sabir Mian, one of the accused persons.

It is submitted by learned counsel for the petitioner that the petitioner has been named on the basis of suspicion and on the basis of names taken by the accused persons while addressing each other during commission of the offence. It is further submitted that the petitioner has never been put on TIP, there is no recovery from the petitioner, the investigation has already been concluded and there is specific accusation against co-accused Kanhaiya who robbed the tractor, who has been granted bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 62452 of 2018. Though, the petitioner is accused in thirteen other cases but he is on bail except Harsidhi P.S. Case No. 12 of 2017.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the investigation has already



been concluded and the co-accused Kanhaiya Paswan has been granted bail, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 06 of 2017.

Since the petitioner is having serious criminal antecedent, the learned Court below will be at liberty to cancel the bail bonds of the petitioner in two eventualities; if the petitioner defaults for two consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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