

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84553 of 2019**

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

1. SUJIT SAH @ SUJIT KUMAR SAH @ SUJIT GUPTA Son of Late Paras Sah Resident of Village - Rafipur, P.S.- Hussainganj, District - Siwan.
2. Dilip Sah Son of Late Paras Sah Resident of Village - Rafipur, P.S.- Hussainganj, District - Siwan.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 19-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioners in this case is seeking regular bail in connection with Hussainganj P.S. Case No. 282 of 2018 registered for the offences punishable under Sections 147, 148, 49, 341, 323, 307, 504, 506 of the Indian Penal Code in which Section 302 IPC has been added later on.

Learned counsel for the petitioners submits that the allegation of assault by iron has been attributed against co-accused Anil Sah and Wanila Sah and no specific overt act has been attributed against these petitioners. There is general, vague and omnibus allegation of assaulting the injured by means of lathi-danda has been levelled against all the accused persons. The petitioners are in custody since 03.10.2019.



Learned APP has opposed the prayer of bail.

Considering the facts and circumstances of the case wherein there are allegations that the scuffle took place on some petty issue in which the specific allegation is against Anil Sah and Wanila Sah who had assaulted the deceased on his head and according to the post mortem report, the doctor has found the cause of death due to head injury by blunt substance, so far as these petitioners are concerned, there are general and omnibus allegation that they had assaulted the deceased after he fell down and further submission that the named accused Banila Sah against whom there is allegation of giving assault on head as also the co-accused Paras Sah have been granted privilege of regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 53242 of 2019 and Cr. Misc. No. 8021 of 2019, let the petitioners above named be released on bail in connection with Hussainganj P.S. Case No. 282 of 2018 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the
commission of which he is suspected, and

(c) that such person shall not directly or indirectly
make any inducement, threat or promise to any person acquainted
with the facts of the case so as to dissuade him from disclosing
such facts to the Court or to any police officer or tamper with the
evidence.

(Rajeev Ranjan Prasad, J)

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