

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19070 of 2020

Arising Out of PS. Case No.-179 Year-2019 Thana- ALAMNAGAR District- Madhepura

GULAB SAH Son of Late Bino Sah Resident of Village- Alamnagar East
Tola, Ward No. 07, P.O. and P.S.- Alamnagar and District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-08-2020 Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Alam Nagar P.S. Case No. 179 of 2019, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 384, 354, 379 and 302 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having assaulted the father of the informant and others resulting in death of the father of the informant. It is further alleged that the accused persons



including the petitioner herein had also committed loot and had decamped with cash money and ornaments as also rice.

The learned counsel for the petitioner has submitted that a bare perusal of the fardbeyan of the informant would show that a general and omnibus allegation has been levelled upon the petitioner and in fact, the main accused / assailant in the present case is the co-accused person, namely, Kushilal Sah, who has been declined the privilege of the bail by this Court. It is further submitted by referring to the materials available in the case diary that it has come to light during the course of the investigation that the petitioner and his wife are not having any complicity in the matter and no material has come to the fore so as to implicate them in the alleged crime. It is further submitted that on the date and time of the alleged incident, the petitioner was working in the factory where he is employed, which is also apparent from the CCTV footage. It is also submitted that the petitioner is having a clean antecedent and he is



languishing in custody since 16.12.2019. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by this Court vide order dated 18.03.2020 passed in Criminal Miscellaneous No. 83868 of 2019.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also in the case diary, it appears that the police, upon investigation, has submitted its supervision note, which is mentioned in paragraph no. 22 of the case diary, wherein it has been stated that from the materials collected during the course of investigation, the petitioner and his wife do not appear to be having any complicity in the alleged crime and on the date and time of occurrence, the petitioner was working in his factory, which is apparent from the CCTV footage. In such view of the matter, this Court finds that prima facie,



minuscule evidence is on the record qua the petitioner herein, hence, benefit of doubt can be given to the petitioner for the purposes of grant of bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate at Udakishunganj under District-Madhepura in connection with Alam Nagar P.S. Case No. 179 of 2019.

(Mohit Kumar Shah, J)

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