

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23041 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- RAJAON District- Banka

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DILIP SAH @ DILIP PRASAD SAH S/o Naresh Sah Resident of Village-
Subhkha, P.S.- Rajoun, Distt- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mrs. Sahin Begam, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-11-2020 Heard Mr. Praveen Kumar, learned counsel for the

petitioner and Mrs. Sahin Begam, learned counsel appearing for

the State through video conferencing.

Petitioner seeks regular bail in connection with
Rajoun P.S. Case No. 41 of 2020 registered for the offence
under Section 302, 307, 120 (B), 34 of the I.P.C.

The allegation against the petitioner as per the First
Information Report is that the petitioner allegedly called from
his mobile to the elder brother of the informant and asked him to
come to his house for compromise of a case in which Guddu
Mandal (co-accused) was involved whereupon the informant
along with other persons arrived at the house of Dilip Sah i.e.
the petitioner where the co-accused Guddu Mandal suddenly
arrived with knife in his hand and stabbed the informant upon



which Rajeev Kumar Sah came and tried to save him then the petitioner caught Rajeev Kumar Sah and the co-accused Guddu Mandal stabbed in his neck leading to the death of Rajeev Kumar Sah.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. Learned counsel referring to paragraph no. 13 of the case diary submits that Police during the course of investigation has found that the place of occurrence is different than that of the place of occurrence mentioned in the First Information Report. Learned counsel referring to other paragraphs of the case diary submits that independent witnesses have also stated that the present incident has not occurred at the house of the petitioner but the same has taken place somewhere else inasmuch as there was scuffle between the co-accused Guddu Mandal and his henchmen and the family members of the informant in which Guddu Mandal had assaulted the informant and his brother.

On the other hand, learned counsel for the State submits that from perusal of the First Information Report it would be evident that the petitioner caught the deceased and the deceased was stabbed by the co-accused Guddu Mandal.

Having heard learned counsel for the parties and



taking into consideration the materials available on record, the fact that there is no direct allegation of assault upon the petitioner and the petitioner is in custody since 05.02.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka / court concerned in connection with Rajoun P.S. Case No. 41 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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