

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23659 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- SISWAN District- Siwan

1. KANHAIYA SAH,
2. Om Prakash Sah,
3. Param Prakash Sah,
All three S/o Thakur Sah @ Thakur Prasad Sah, Resident of Village-
Chainpur, P.S.-Siswan (Chainpur O.P.), District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-10-2020 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioners undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioners seek bail in a case registered for the
offence punishable under Sections 147, 148, 149, 120 (B), 302,
380, 504 of the Indian Penal Code.



The prosecution case in brief is that the informant who is father of the deceased has alleged that on 12.08.2019 petitioners alongwith other co-accused came to vegetable shop of his son armed with lathi, danda, gupti and ransacked his shop and took money from “Galla” and on protest his son was pierced “Gupti” (pointed iron rod) in the stomach of his son by accused Sonu Kumar and thereafter he was carried to Hospital for treatment, however, he succumbed to his injuries.

Learned counsel the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is no specific allegation against the petitioners. There is specific overact against co-accused namely Sonu Kumar who inflicted Gupti blow in the abdomen. The petitioners are in jail custody since 08.01.2020 and have got no criminal antecedent. He further submits that the similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.06.2020 passed in Cr. Misc. No. 17942 of 2020.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail



bond of Rs. 25,000/- (rupees twenty five thousand) each with two sureties of the like amount each in connection with Siswan (Chainpur O.P.) P.S. Case No. 166 of 2019 to the satisfaction of the learned A.C.J.M., Siwan, subject to the conditions that :-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reasons, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Anjani Kumar Sharan, J)

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