

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27534 of 2020

Arising Out of PS. Case No.-105 Year-2020 Thana- ROSERA District- Samastipur

Raghunath Sah, aged about 60 years, Male, Son of Late Tetar Sah, Resident of Village- Haripur, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhay Shankar Singh, Advocate
For the State	:	Mr.Ram Chandra Singh, A.P.P.
For the Informant	:	Mr.Sujit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-12-2020 Heard learned counsel for the petitioner, the informant and the State through the virtual court proceeding.

The petitioner seeks bail in connection with Rosera P.S. Case No. 105 of 2020 registered for the offences punishable under Sections 120B, 147, 302, 307, 504 of the Indian Penal Code.

According to F.I.R., accused/petitioner along with other co-accused persons caught the hand and body of the brother of the informant and co-accused Ram Babu Sah was assaulting his brother and when informant and others went to save his brother then co-accused attacked with knife upon his brother and his brother sustained grievous injury and fell down and when informant and his father went to save him then they



too were assaulted by him. It is further alleged that informant took his brother towards hospital but in the way his brother died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no specific allegation against the petitioner rather general and omnibus allegation against the petitioner. The specific allegation is against co-accused Ram Babu Sah. He further submits that the petitioner has got no any criminal antecedent and petitioner is in jail custody since 01.04.2020.

Per contra, learned counsel for the informant submits that the petitioner has also took part in the occurrence and there is common object to kill the victim. He further submits that there is specific allegation that the petitioner and other accused caught the hand and body of the brother of the informant.

I have gone through the record including the case diary. There is general and omnibus allegation against the petitioner. In the case diary, specific allegation is against co-accused Ram Babu Sah.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail



bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Rosera, District- Samastipur in connection with Rosera P.S. Case No. 105 of 2020, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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