

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22806 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- KARTAHA District- Vaishali

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BINDU SAH Son of Ram Nandan Sah Resident of Village - Patepur, P.S.-
Kartahan, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Adv

For the Opposite Party/s : Mr.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-11-2021 Heard learned counsel appearing on behalf of the

petitioner, Shri Shyameshwar Kumar Singh and learned APP

Smt. Asha Devi appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner seeks regular bail in connection with
Kartahan P.S. Case No. 72 of 2020 dated 03.09.2020 registered
for offences punishable under Sections 147, 148, 149, 302 of the
Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, petitioner along with
other co-accused persons ordered to kill the husband of the
informant. There is allegation that one Rakesh Sah fired upon
the chest of the husband of the informant due to which he fell
down. On the instigation of Raj Narayan Sah, Rajnish Kumar



Sah fired which hit on his left thigh due to which husband of the informant became injured and all the miscreants fled away.

Learned counsel appearing on behalf of the informant submits that no specific allegation of assault is alleged against the petitioner. One Rakesh Kumar Sah fired upon the chest of the husband of the informant. Learned counsel on behalf of the petitioner further submits that petitioner has got clean antecedent and he has falsely been implicated in this case due to village politics. Learned counsel on behalf of the petitioner further submits that two co-accused namely Ranjan Kumar and Raj Narayan Sah have already been released on bail vide order dated 02.07.2021 passed in Cr. Misc. 15496 of 2021 and order dated 02.02.2021 passed in Cr. Misc. 37377 of 2020 respectively.

Learned APP appearing on behalf of the State submits that there is a direct allegation against the petitioner who has ordered to kill the husband of the informant and as such petitioner does not deserve to be released on bail.

Having considered the facts and circumstances of the case and nature of allegation made so far as petitioner is concerned prima facie it appears no direct allegation of causing assault on the husband of the informant in the FIR. Similarly



situated one co-accused Raj Narayan Sah has already been granted bail by this Court vide order dated 02.02.2021 passed in Cr. Misc. No. 37377 of 2020.

Let the petitioner above named, be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Vaishali at Hajipur in connection with Kartahan P.S. Case No. 72 of 2020 subject to the following conditions:

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

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers 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 petitioner.

(Purnendu Singh, J)

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