

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22744 of 2021**

Arising Out of PS. Case No.-246 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. KALU SAH @ KALLU SAH Son of Rajendra Sah @ Rajindra Sah
Resident of Village- Hardobara Ramnagari, P.S.- Barharia, District- Siwan.
 2. Mintu Sah @ Mantu Sah Son of Rajendra Sah @ Rajindra Sah Resident of
Village- Hardobara Ramnagari, P.S.- Barharia, District- Siwan.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-08-2021 Learned counsel for the petitioners undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

Petitioners, in the present case, are seeking regular

bail in connection with G.B. Nagar P.S. Case No. 246 of 2020

registered for the offences punishable under Section 147, 148,

341, 323, 307, 504, 506 of the Indian Penal Code.

At the outset, learned counsel for the petitioners

submits that in this case later on Section 302 I.P.C. has been

added, therefore he may be permitted to add Section 302 I.P.C.

in paragraph '1' of the application.

Permission is granted.

As per the prosecution story, altogether ten accused named in the First Information Report had assaulted the informant, when the son of the informant namely, Sandip -Sah came to save him the co-accused Sriram Sah assaulted him on his head by Lathi which proved fatal and he died. Dipak Sah was assaulted by co-accused Sudama Sah and Putul Devi was beaten by co-accused Pappu Sah.

Learned counsel for the petitioner submits that so far as these petitioners are concerned, there is no specific allegation against them. The deceased suffered only one injury which has been specifically attributed to the co-accused Sriram Sah, the petitioners are said to be in custody since 18.09.2020, they have otherwise no criminal antecedent.

Learned counsel for the informant has admitted in course of hearing that so far as these two petitioners are concerned, there is no specific allegation against them.

Learned A.P.P. for the State is present.

Considering the facts and circumstances of the case wherein there is no specific allegation against these petitioners and the fatal assault has been specifically attributed to the co-accused and petitioners have remained in custody for about one

year, this court directs release of the petitioners above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with G.B. Nagar P.S. Case No. 246/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.