

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26314 of 2021**

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

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BABLOO SAH S/O JARBAN SAH RESIDENT OF VILLAGE RAMPUR,
P.S DHORAIYA, DISTRICT-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 : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 29-07-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302, 307, 120B, 34 of the Indian Penal Code.

As per the prosecution case, on 03.02.2020 one Dilip Mandal called brother of the informant, Gyanchand Sah, along with his family members to compromise a case between Bahnoi of the informant, namely, Anil Mandal and Guddu Mandal. It is further alleged that this petitioner threatened the informant to go and compromise the case. On the call, the informant along with his brother Gyanchand Sah, Rajiv Kumar Sah and his Bhabhi, Sangita Devi went to the house of Dilip Sah where they were assaulted by co-accused Guddu Mandal and others. It is further alleged that Guddu Mandal assaulted the informant with knife



causing injury on his cheek. Dilip Sah caught hold of informant's brother, Rajiv Kumar Sah and Guddu Sah gave knife blow on his neck causing severe injury. On alarm, the informant's brother Gyanchand Sah came and took his both injured brothers to hospital. During the course of treatment Rajiv Kumar Sah died. It is further alleged that the occurrence took place on the instruction of this petitioner.

Learned counsel appearing for the petitioner submits that petitioner was not present at the place of occurrence and the specific allegation of assault is against other co-accused persons. Petitioner is alleged to have given threatening to the informant. Petitioner is in custody since 18.01.2020 and he claims clean antecedent.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Rajoun PS case No. 41/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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