

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27942 of 2021

Arising Out of PS. Case No.-816 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Vijay Sah @ Bulla, Son Of Shambhu Sah Resident Of Village- Kabar, P.S.-
Bhabua, District- Kaimuar At Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bikram Deo Singh
		Mr. Pawan Kumar Singh
For the Opposite Party/s :		Mr. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-12-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Bhabua P.
S. Case No.816 of 2020, instituted for the offences under
Section 302/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 24.12.2020, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner submits that
from perusal of the allegation as alleged in the F.I.R., it would
manifest that the informant alleges that petitioner along with his
mother and brothers Sanjay Sah and Ajay Sah entered the house



of the informant and the mother of the petitioner started abusing while petitioner and his brothers started searching the brother of the informant, who was on the upper floor, when the accused reached the upper floor the brother of the informant jumped from his roof and thereafter, it is alleged that petitioner along with his brothers came down and caught the brother of the informant and thereafter Suraj Kumar and Dhiraj Kumar took her brother towards the bush. Thereafter, the informant along with her mother started searching her brother and even informed the villagers, but her brother could not be found till night and thereafter, it is alleged that at 12.30 A.M., the informant saw her brother lying outside the house, hence, brought him inside and the brother disclosed that accused persons including the petitioner had brutally assaulted him. It is further alleged that the brother of the informant was assaulted based on false implication in a case and later, he succumbed to his injuries.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the case for the reasons that Anita Kumari, wife of his brother Sanjay Sah had instituted Bhabua Mahila P. S. Case No.95 of 2020 dated 23.12.2020 under Section 376 of the I.P.C. and alleged that her daughter was raped by the deceased of the present case.



The learned counsel for the petitioner further submits that the deceased after committing the occurrence of rape of a minor child became nervous and tried to commit suicide by jumping from his roof top.

The learned counsel for the petitioner submits that since in the F.I.R. also, it has been stated that the deceased jumped from the roof top, but the petitioner along with his brothers have been made an scapegoat alleging that it was because of them the deceased jumped. The learned counsel submits that it does not stand to reason that family members once instituted a police case against the deceased of the present case would go and commit the offence.

The learned counsel for the petitioner further submits that charge-sheet no.08 of 2021 has been submitted in Bhabua Mahila P. S. Case No.95 of 2020 dated 23.12.2020 against Sippu Srivastava (showing him deceased), who is brother of the present informant.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 24.12.2020, he is a person with clean antecedent, charge-sheet has been submitted in this case and charges have been framed, the petitioner, above-named, is directed to be released



on bail on his furnishing bail-bonds in the sum of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned C.J.M., Kaimur at Bhabua in
connection with Bhabua P. S. Case No.816 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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