

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33923 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

SANJAY SAH @ SANJAY KUMAR Son of Shiv Shankar Sah @ Shankar Sah Resident of Village - Manik Chowk North Panchayat, Shripur Tola, P.S.- Runnisaidpur, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-12-2021 Heard learned counsel for the petitioner and Sri Chandra Bhushan Prasad, learned APP for the State.

Petitioner seeks bail in connection Runnisaidpur P.S. Case no. 364 of 2020 registered for the offence punishable under sections 147, 148, 447, 323, 325, 341, 307, 302 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is in custody since 03.01.2021 and is person with clean antecedent and charge sheet has been submitted. Learned counsel for the petitioner further submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that on 5.8.2020 at about 10 a.m., when he was sitting at his door petitioner along with 15/20 persons came



variously armed with lathi, danta, iron rod etc and started abusing the informant on the ground that it was because of the informant their liquor was seized. It is next submitted that elder brother of the informant said that they had no role in seizure of the liquor on which it is alleged that Sunil Kumar gave order to assault and thereafter it is alleged that accused persons including named in the FIR started assaulting elder brother of the informant and on account of assault, he received injury and fell on the ground. The nephew of the informant Bablu Sah also received head injury and Bhabhi of the informant was also assaulted and she also received head injury and her hand was fractured. Further, it is alleged that brother of the informant died during course of treatment at PMCH. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant despite being an eye witness to the occurrence does not even remotely suggest that as to how deceased was assaulted and by whom he was assaulted. Learned counsel submits that no specific allegation has been alleged against any of the accused rather allegation of assault is general and omnibus in nature.

Learned APP opposes the prayer for bail and submits that apart from deceased two other persons also received injury



as has been stated in the FIR.

Considering the facts that petitioner is person with clean antecedent and no specific role of assault has been attributed against him and the allegation is general and omnibus in nature, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in Runnisaipur P.S. Case no. 364 of 2020 with condition that one of the bailers would be father of the petitioner and when trial commences petitioner will have to appear in the trial and if he fails to appear on two consecutive dates without any plausible explanation, the learned court below shall proceed to cancel his bail bond.

(Satyavrat Verma, J)

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