

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37566 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- BALIYA District- Begusarai

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BINOD SAH @ VINOD SAH S/o- FULO SAH R/o Paharpur, P.S.- Ballia,
Distt- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-08-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Ballia Police Station Case No. 28 of 2020, registered for the
offences punishable under Sections 302/307/120-B/34 of the
Indian Penal Code and Section 27 of the Arms Act.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
16.10.2020, passed in Criminal Misc. No. 26804 of 2020, giving
liberty to the petitioner to renew his prayer for bail after six
months from the date of the order.

The allegation, as per First Information Report, is that
the petitioner along with other accused persons having fire arms



caught hold of the husband of informant and when she went to rescue him, she was pushed to the ground and one co-accused, namely, Nand Kishore Mahto shot a fire on the head of her husband who fell down on the ground. Then another co-accused persons, namely, Pappu Mahto and Arjun Mahto both fired on the head and neck of her husband leading to his instantaneous death. On the alarm of the informant, her cousin father-in-law came to rescue her, he was also fired upon by the accused persons causing serious injury to him.

Learned Counsel for the petitioner submits that there is no specific allegation that the petitioner fired upon the informant's cousin father-in-law and there is general and omnibus allegation against all the accused persons. He further submits that the petitioner is in custody since 01.02.2020 and charge sheet has been submitted in this case and as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.

Regard being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 01.02.2020, charge sheet has been submitted in this case, the trial is not likely to be concluded in near future due to COVID-



19 pandemic and this the second attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Ballia Police Station Case No. 28 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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