

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31498 of 2020

Arising Out of PS. Case No.-226 Year-2019 Thana- SHAHKUND District- Bhagalpur

CHOTAN SAH @ CHOTU SAH (Male), aged about 30 years, Son of Mahadev Sah, Resident of village - Jhiktiya, Police Station - Shahkund, District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate.

For the Opposite Party : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 07-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 302/34 of the I.P.C.

The prosecution story, in brief, is that on 29.08.2019, the villagers of the informant, namely, Umesh Sah, Amresh Kumar @ Rakesh Kumar, Chhotu Sah (petitioner), Ranjit Sah, Sildhar Sah and Raushani Devi killed the mother-in-law of the informant, namely, Manju Devi, by means of sharp cutting weapon. While the informant was sleeping alongwith her



deceased mother-in-law after taking dinner on a cot then co-accused Umesh Sah alongwith his men, entered through backdoor of the house and cut the neck of the deceased. When the informant got awoke then she saw that Umesh Sah and her son, namely, Amresh Kumar, were cutting the throat of the deceased mother-in-law of the informant. When the informant started raising alarm and upon that alarm, when her sister-in-law and others came, the accused persons fled away. It is further alleged that earlier also Umesh Sah used to threaten in order to get compromise the case bearing Shahkund P.S. Case No. 37/2014.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. No specific overt act is alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The main allegation of assault is alleged against co-accused Umesh Sah.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned S.D.J.M., Bhagalpur, in connection with Shahkund P.S. Case No. 226 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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