

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37405 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Meheshwar Sah @ Maheshwar Saw, Male, aged about 70 years, son of late
Kirani Sah, Resident of village- Mohammadpur, P.S.- Mohiuddinnagar,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Senior Advocate Mr.Deepak Kumar Singh, Advocate
For the Informant	:	Dr.Amrendra Kumar, Advocate Mr. Satu Prateek, Advocate
For the State	:	Mr.Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 05-04-2021 Heard Mr. Ramakant Sharma, learned senior counsel

assisted by Mr. Deepak Kumar Singh, learned counsel for the

petitioner, Mr. Amrendra Kumar, advocate assisted by Mr. Satu

Prateek, learned counsel for the informant and learned A.P.P. for

the State.

The petitioner seeks bail in connection with

Mohiuddinnagar P.S. Case No. 62 of 2020 registered for the

offences punishable under Sections 147, 148, 149, 341, 323,

324, 325, 307 and 302 of the Indian Penal Code.

The allegation is regarding the accused persons

including the petitioner herein having assaulted the informant,

the father-in-law of the informant and husband of the informant



whereafter subsequently the father-in-law of the informant died during the course of treatment.

Learned senior counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in jail custody since 26.06.2020. Learned senior counsel further submits that a geneal and omnibus allegation has been levelled against the petitioner and he has not been specifically alleged to have engaged in any sort of overt act much less having assaulted the accused.

Per contra, learned counsel for the informant as also the learned A.P.P. for the State have vehemently opposed the prayer for bail and it has been submitted by learned counsel for the informant that the petitioner should not be granted the privilege of bail inasmuch as the husband and brother-in-law of the informant have been threatened and they are being pressurized to withdraw the case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that minuscule evidence is available on record to connect the



petitioner with the alleged crime and moreover a general and omnibus allegation has been levelled against the petitioner and there is no specific allegation of the petitioner having assaulted the deceased, hence I deem it fit and proper to direct for release of the petitioner herein on regular bail. Similarly situated co-accused has been granted bail by this Co-ordinate Bench of this Court by order dated 23.03.2021 passed in Cr. Misc. No.37987 of 2020.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Samastipur in connection with Mohiuddinnagar P.S. Case No. 62 of 2020.

It is needless to state that the petitioner would mark his attendance before the Officer in-Charge of the concerned Police Station at 10:30 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Anjani Kumar Sharan, J)

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