

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41152 of 2020

Arising Out of PS. Case No.-317 Year-2020 Thana- KESARIA District- East Champaran

1. GUDDU SAH SON OF GOPAL SAH RESIDENT OF VILLAGE -
DILAWARPUR, P.S. - KESHARIYA, DISTRICT - EAST CHAMPARAN
2. SANTOSH SAH SON OF HAZARI SAH RESIDENT OF VILLAGE -
DILAWARPUR, P.S. - KESHARIYA, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2140 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- KESARIA District- East Champaran

1. SANJEET SAH ALIAS SANJEET KUMAR SAH SON OF LATE YOGI
SAH ALIAS YOGENDRA SAH RESIDENT OF VILLAGE -
DILAWARPUR, P.S. - KESHARIYA, DISTRICT - EAST CHAMPARAN
2. BHAGYA NARAYAN SAH SON OF YOGI SAH ALIAS YOGENDRA
SAH RESIDENT OF VILLAGE - DILAWARPUR, P.S. - KESHARIYA,
DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14483 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- KESARIA District- East Champaran

Gopal Sah Son Of Chandrika Sah Resident of Village - Dilawarpur, P.S.-
Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41152 of 2020)

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Sharad Kumar Verma, APP



For the informant : Mr. Abhishek Kumar, Adv.
(In CRIMINAL MISCELLANEOUS No. 2140 of 2021)
For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Opposite Party/s : Mr. Sharad Kumar Verma, APP
For the informant : Mr. Abhishek Kumar, Adv.
(In CRIMINAL MISCELLANEOUS No. 14483 of 2021)
For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Opposite Party/s : Mr. Sharad Kumar Verma, APP
For the informant : Mr. Abhishek Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 12-07-2021

All the three applications for grant of bail arising out of Kesariya P.S. Case no. 317 of 2020 have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Kesariya P.S. Case no. 317 of 2020 registered under section 303 and other sections of the Indian Penal Code.

As per allegation in the FIR, on the wife of the deceased informing the informant that his brother had not returned home, he went out in search. It is stated that he soon came across 40-50 persons variously armed assaulting his brother. Being nervous, he sat on one side and thereafter returned home.



It is submitted by learned counsel for the petitioners that from perusal of FIR itself it would transpire that the allegations are general and omnibus in nature. No specific overt act has been alleged against any of the petitioners. The reason for false implication of the petitioners besides others is the allegation in the FIR that in course of shouting between the accused persons, who were instigating each other, the informant could hear the names mentioned in the FIR being called out. It is further submitted that for an occurrence alleged to have taken place on 6.8.2020 at about 8 pm, information was given to the police station after two days on 8.8.2020 at 2:30 pm, although the distance of police station is only 14 kms, without any explanation for the delay. Four of the petitioners are in custody since 9.8.2020 and petitioner Gopal Shah is in custody since 12.10.2020.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. Learned counsel for the informant referring to the material that has transpired in course of investigation submits that not only the petitioners are named in the FIR but from perusal of the post-mortem report it would transpire that the accused persons including the petitioners herein carried out the



brutal assault leading to death of the informant's brother.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the general and omnibus allegations against the petitioners together with petitioners having remained in custody for more than 9 months, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Kesariya P.S. Case no. 317 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran.

(Partha Sarthy, J)

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