

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5051 of 2021

Arising Out of PS. Case No.-161 Year-2020 Thana- BENIPATTI District- Madhubani

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Pramod Sah Son of Binde Sah R/O Village-Behata, Kalisthan, P.S-Benipatti,
District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mrs.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 05-04-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Benipatti P.S. Case No. 161 of 2020, corresponding to G.R. No. 581 of 2020, registered for the offence under Section 307 & other allied sections of the Indian Penal Code.

As per the prosecution case, the informant, who is SHO of Benipatti Police Station, has alleged that on 01.07.2020, on the written information of one Om Prakash Sah, he (informant) alongwith police party went to the place of occurrence in order to secure release of the persons, who were made captive by the accused persons. It is further alleged that this petitioner alongwith other FIR named accused persons and 40-50 villagers, armed with weapons, put obstacles in discharge of official duties of police party and attacked on them, as a



result of which, some police personnel received injuries. The petitioner was apprehended on the spot and identified by the chowkidar.

It is submitted on behalf of the petitioner that petitioner has been falsely implicated in this case by the police party. In fact, a demand of dowry was made by the groom side, which was refused by the petitioner's side, and thereafter, the alleged occurrence took place and as per instance of Barat party, a false and concocted case has been instituted by the informant, who is S.H.O. of Benipatti Police Station. There is general and omnibus allegation of assault and no specific overt act has been alleged against this petitioner. Petitioner claims clean antecedent and he is in custody since 10.09.2020. Chargesheet has already been submitted.

Considering the general and omnibus allegation of assault coupled with the fact that petitioner has got clean antecedent, the bail application of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – I, Benipatti (Madhubani) in connection with Benipatti P.S. Case No. 161 of 2020, corresponding to



G.R. No. 581 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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