

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6414 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. HARISHCHANDRA SAH @ HARICHANDRA SAH SON OF LATE SURAJ SAH VILLAGE DHANAHARA PS RUNNISAIDPUR, DISTRICT- SITAMARHI
2. GOVIND SAH @ GOVIND KUMAR SON OF HARISHCHANDRA SAH @ HARICHANDRA SAH VILLAGE DHANAHARA PS RUNNISAIDPUR, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dinesh Jha
For the Opposite Party/s :	Mr. Devendra Kumar
	Mr. Mustaque Alam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-08-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 302 and other ancillary Sections of the Indian Penal Code.

As per the prosecution case, while the informant was sitting at his Darwaja, accused Sunil Kumar came there along with other 15-20 persons named in the FIR having armed with Lathi, Danda and iron rod and abused and assaulted the informant and his family members. It is further alleged that on the instigation of Sunil Kumar other accused persons assaulted



informant's brother Jai Narayan Sah as a result of which he sustained injury on his head, became unconscious and during the course of treatment he died. It is further alleged that other accused persons assaulted the informant and his family members as a result of which they sustained injuries.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. It is submitted that allegation of assault is general and omnibus and not specific against the petitioners. More so, instant case is counter blast of Runnisaipur PS case No. 365/2020 filed by one Lal Babu Sah against the informant and others. Similarly situated accused, Lal Babu Sah and Raju Sah have already been granted bail by this court vide order dated 13.07.2021 passed in Cr. Misc. No.20384 of 2021. Petitioners have got clean antecedent and are in custody since 06.08.2020. Investigation is complete.

Learned counsel appearing for the State and the informant oppose the prayer for bail. Learned counsel for the informant submits that these petitioners actively participated in the occurrence and assaulted the deceased and family members of the informant.

Considering the rival submission of the parties,



materials available on the record and the fact that allegation of assault is general and omnibus and not specific against the petitioners and the period of custody of the petitioners, let the petitioners, above named, 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 Chief Judicial Magistrate, Sitamarhi in connection with Runnisaipur PS case No. 364/2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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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