

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13428 of 2022

Arising Out of PS. Case No.-397 Year-2021 Thana- LALGANJ District- Vaishali

Deeplal Sahani Son of Late Rambriksh Sahani Resident of Village -
Salempur, P.s.- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar,

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyameshwar Kumar Singh, Advocate.
For the Informant	:	Mr. Manish Chandrakant Deep, Advocate.
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Shyameshwar Kumar Singh, learned counsel for the petitioner, Mr. Manish Chandrakant Deep learned counsel for the informant as well as learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Lalganj P.S. Case No. 397 of 2021, for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case is based on a written report alleging therein that on 05.11.2021 at about 12:00 pm, while the



father of the informant had gone to take grass from Salempur Diyara and while he was returning, in the meantime the petitioner along with Chinak Sahani assaulted him by means of *Lathi* and *Danda*, due to which, he sustained injuries and died during the course of treatment on 06.11.2021.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident that the informant is not an eyewitness of the alleged occurrence nor during the course of investigation any witness have come forward claiming themselves to be an eyewitness of the alleged occurrence. He further submitted that petitioner is a man of fair antecedent, aged about 71 years, however, only on account of some election dispute his name has been implicated in this case without there being any cogent material. He also submitted that though the occurrence took place in the evening of 05.11.2021 and thereafter, deceased was taken to the nearest local doctor but no medical prescription has been made available in support of the prosecution case. He lastly submitted that now he is in custody for about a year and there is no likelihood of commencement of the trial in near future.

On the other hand learned counsel for the informant vehemently opposes the bail application and submitted that



there is specific allegation against the petitioner that he brutally assaulted the old father of the informant, resulting into his death and the postmortem report has also corroborate the prosecution case.

Learned counsel for the State also opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is no eyewitness to the alleged occurrence, apart from the period of custody and the age of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 397 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

