

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18330 of 2022

Arising Out of PS. Case No.-230 Year-2021 Thana- PIPRAHI District- Sheohar

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1. Rakesh Sah Son of Mahavir Sah Resident of Village - Nayagaon, P.s.- Piprahi, Distt.- Sheohar.
 2. Krishannandan Sah Son of Mahavir Sah Resident of Village - Nayagaon, P.s.- Piprahi, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Shankar Singh, Advocate
For the State	:	Mr. Narain Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-08-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Piprahi
P.S. Case No. 230 of 2021 registered for the offence under
Sections 447, 147, 149, 341, 323, 325, 307 and 354 of Indian
Penal Code and subsequently, Section 302 of the Indian Penal
Code was also added.

The accused/petitioners are named in the F.I.R., where
petitioner no.1 is in custody since 10.01.2022 and petitioner
no.2 is in custody since 18.11.2021.

The allegation against the petitioners is to commit



murder of father of the informant, alongwith other co-accused persons, by assaulting with knife, rod etc., over petty issues.

Learned counsel appearing on behalf of the petitioners submitted that the allegation, as regard to assault, is very much general and omnibus against this petitioners, rather same is specific against co-accused, namely, Mahavir Sah. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail, fairly conceded that specific allegation, as regard to fatal assault, is against co-accused, namely, Mahavir Sah, as per F.I.R.

In view of the facts and circumstances, as mentioned above, as allegation, regarding assault, is very much general and omnibus against the petitioners, rather same is specific against co-accused, namely, Mahavir Sah coupled with the fact that petitioners are persons of clean antecedent where chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Piprahi P.S. Case No. 230 of 2021 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sheohar/concerned Court, subject to the following conditions:

“(i) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be Bikau Sah, who is the cousin of petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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