

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28168 of 2021

Arising Out of PS. Case No.-223 Year-2020 Thana- PIPRA District- East Champaran

SHANKAR SAH Son of Late Banshi Sah Resident of Village- Rasmandal,
P.S.- Pipra, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s :	Mr. Madhurendra Kumar, Advocate
	Mr. Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 21.12.2020, seeks
regular bail in connection with Pipra P.S. Case No. 223 of 2020
registered for offences punishable under Sections 341, 323, 324
and 302/34 of the Indian Penal Code.

Prosecution case, in brief, is that the informant
namely, Shivnath Sah filed a written report before S.H.O., Pipra,
alleging therein that on 24.06.2020, while the marriage ritual of
the daughter of his Patidar namely, Bunnilal Sah was going on
in the presence of informant and other family members,



Chhabila Sah (petitioner) along with other co-accused was indulge in assaulting Surendera Sah variously armed with iron rod and farsa. It is specifically alleged in the F.I.R. that the Chhabila Sah has used *farsa* blow on the head of the Surendra Sah (deceased).

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that there is no direct allegation against the petitioner and he is in custody since 21.12.2020.

Learned counsel appearing on behalf of the informant along with learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that there is direct allegation against this petitioner that he has assaulted the son of the informant on his body by means of iron rod.

Considering the facts and circumstances of the case, informant's son has died due to blow on the head which has been caused by the assault made by co-accused Chhabila Shah as well as there is no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of



Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipra P.S. Case No. 223 of 2020 with a condition that he will tender his attendance daily at 9 a.m. in the morning before the local Police Station and the S.H.O of the said Police Station is directed to submit monthly report of attendance to the S.P. of its jurisdiction and on any single default of attendance, the bail bond of the petitioner shall be cancelled. The other conditions are as follows:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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