

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18983 of 2022**

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

MAHAVIR SAH S/o Late Gamhar Sah R/o village- Nayagaon, P.S.- Piprahi,
District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Madhura Nand Jha

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 02-09-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks 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 the Indian Penal Code and
subsequently Section 302 of the IPC was also added.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.01.2022.

The allegation against the petitioner is to commit murder
of the father of the informant along with other co-accused persons,
equipped with *lathi*, rod, etc. for trivial issue.

Learned counsel appearing on behalf of the petitioner
submitted that though informant of this case specifically alleged this



petitioner through written complaint to give fatal blow to deceased, causing death but took complete u-turn, while deposing before learned trial court, stated that he is not eye-witness of the occurrence. It is also submitted that as informant declared hostile during trial, no purpose will serve by putting this petitioner, behind the bar, as an under trial prisoners, who is otherwise man of clean antecedent.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that supplementary affidavit enclosing the deposition of informant is suggesting of the fact that informant is not the eye-witness of the occurrence, as he did not support the case of prosecution, before the trial court.

Considering the facts and circumstances as mentioned above, as informant declared hostile before the trial court by taking complete u-turn, let the petitioner, above named, is 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sheohar, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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