

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26447 of 2022

Arising Out of PS. Case No.-244 Year-2020 Thana- MADHUBAN District- East Champaran

1. Bhuta Sahani Son of Fakira Sahni R/O- Vill- Dhobaulia, P.S.- Madhuban, Dist.- East Champaran At Motihari
2. Jitendra Sahai Son of Bhuta Sahani R/O- Vill- Dhobaulia, P.S.- Madhuban, Dist.- East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sanjana, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel appearing on behalf of the
petitioners and learned APP 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
Madhuban P.S. Case No. 244 of 2020 registered for the offence
under Sections 302 and 34 of Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 17.02.2022.

The allegation against the petitioners is to commit
murder of son of the informant, alongwith other co-accused
persons, due to previous enmity, by using various weapons.



Learned counsel appearing on behalf of the petitioners submitted that the allegation, as regard to assault, is very much general and omnibus against the petitioners and also the version of complaint in itself speaking that the informant is not the eye witness of the occurrence. It is submitted that earlier, Madhuban P.S. Case No. 245 of 2020 was lodged by petitioners and their family members against the informant and, for comprise in that matter, the petitioners have been falsely implicated in the present case. It is also submitted that nothing surfaced during the course of investigation, which may connect the petitioners with the present set of occurrence. 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 allegation, as regard to assault, is very much general and omnibus, as per F.I.R.

In view of the facts and circumstances, as mentioned above, as allegation of assault is very much general and omnibus against the petitioners, in the background of the fact



that informant is not the eye witness of the occurrence 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 Madhuban P.S. Case No. 244 of 2020 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 Additional Sessions Judge-XII, East Champaran at Motihari/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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