

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36454 of 2021

Arising Out of PS. Case No.-317 Year-2019 Thana- BANIAPUR District- Saran

Birendra Sah, Son Of Ambika Sah Resident Of Village- Arna, P.S.- Mashrakh,
District- Saran At Chapra.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that while he was coming from Chapra with Anuj Kumar on his car and when he reached near Chetan Chapra Mor when motorcycle borne criminals on two motorcycles followed his car and thereafter, it is alleged that they intercepted the informant. It is further alleged that informant identified Pankaj Kumar Singh, Prince Kumar Singh @ Munna Singh, Pappu Singh, Munna



Singh, Rameshwar Singh and Birendra Sah (petitioner). It is next alleged that on orders of Pankaj Singh, Munna Singh opened fire, but missed the informant. Thereafter, Pappu Singh fired causing injury on his left arm. Thereafter, the informant was taken to the hospital.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant has not disclosed his relation with the petitioner. It is next submitted that petitioner is father-in-law of the informant and the informant is having matrimonial dispute with his wife for which, panchayati was held previously. Further the wife of the informant and daughter of the petitioner is presently staying at her parental home. It is next submitted that only to coerce his wife into submission, so that she does not pursue her matrimonial dispute. The petitioner has been made an accused in the present case without alleging any overt act.

The learned Additional Public Prosecutor after going through the case diary very fairly submits that nothing has come during the course of investigation against this petitioner.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Baniyapur P. S. Case No.317 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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