

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36980 of 2021

Arising Out of PS. Case No.-42 Year-2015 Thana- SINGHWARA District- Darbhanga

Choudhary Sah @ Chaudhari Sah Son of Ram Swaroop Sah Resident of
Village- Chichri, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 01-08-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Vinay Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

Petitioner seeks bail in a case registered in connection
with Singhwara P.S.Case No. 42 of 2015 for the offences
punishable under Sections 147, 148, 149, 341, 323, 302 of the
Indian Penal Code.

As per the prosecution case, it is alleged that father of
the informant was assaulted by FIR named accused and some
unknown persons in front of the Mosque and he died during the
way to the hospital.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR however, during the course of investigation, name of the petitioner has been surfaced on the confessional statement of co-accused persons, who had disclosed about the complicity of various persons, including the petitioner. It is further submitted that from the FIR, it appears that the informant is an eye witness to the alleged occurrence but he has not disclosed the name of the petitioner and moreover, the co-accused persons whose name was also disclosed by the two witnesses has been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 65546 of 2021 vide order dated 08.03.2022 and save and except the confessional statement, there is no other material which suggest the complicity of the petitioner. It is further submitted that petitioner is a man of fair antecedent and is in custody since 09.02.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioner is not named in the FIR and his name has been transpired on the confessional statement of co-accused, apart from the fact that similarly situated persons have been granted bail by this Court, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate1 class, Singhwara in connection with Singhwara P.S.Case No. 42 of 2015 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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