

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32078 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- KUMAR KHAND District- Madhepura

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RAMCHANDRA SAH @ DEBU SAH SON OF LATE DUKHA SAH R/O
VILLAGE- YADUVAPATTI, P.S.- KUMARKHAND, DISTRICT-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offences punishable under Section 302 and other allied sections of
the Indian Penal Code.

As per allegation present petitioner instigated other
accused persons to kill the deceased-Lalo Bhagat and in view of
direction given by this petitioner, co-accused Lankesh Kumar and
Haleshwar Sah gave iron blow and **lathi** blow on the deceased owing
to that deceased fell down and thereafter other co-accused assaulted
the informant and his family members.

The main submissions advanced by Sri Amarnath Jha the
learned counsel appearing for the petitioner are that petitioner is an



old person and as per FIR there is no specific allegation of assaulting against him and the main allegation is against co-accused persons and at the time of alleged occurrence, there was old dispute running between the parties and FIR was lodged after inordinate delay and the petitioner has been languishing in jail since 23.1.2022 and he has been charge sheeted.

Sri Manoj Kumar, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR. Present petitioner is stated to be an old person and the main allegation of assaulting the deceased is against two co-accused persons, petitioner's case is at initial stage of trial and he has got no criminal antecedent as mentioned in his petition, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate IV, Madhepura in Kumarkhand P.S Case No. 39 of 2022 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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