

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32450 of 2022

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

UPENDRA SAH Son Jaldhari Sah Resident of Village - Nayagaon Mahuawa,
P.S.- Piprahi, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

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, 354 and 302 of the
Indian Penal Code.

Learned counsel for the petitioner is permitted to
correct the FIR number in paragraph no.1 as well as in
satisfaction portion of the present bail petition, during course of
day.

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



custody since 19.01.2022.

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 allegation as regard to outraging the modesty against this petitioner is appearing superfluous to make allegation specific. 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 Sessions Judge, Sheohar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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