

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34922 of 2022

Arising Out of PS. Case No.-143 Year-2022 Thana- BARHARIA District- Siwan

Shahnawaj Sah Son Of Late Ali Raja Sah Resident Of Village- Babu Hata,
P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra, Advocate

Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barharia P.S. Case No. 143 of 2022 registered for the alleged offences under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code and Sections 25(1-b)a and 26 of the Arms Act.

As per prosecution case, on the orders of this petitioner, the co-accused stabbed the son of the informant with knife. When the informant and his co-villagers tried to rescue



the son of the informant, the petitioner and co-accused Irshad also started to beat the informant. Later on, taking son of the informant to be dead the co-accused fled away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The present case is counter blast of the case earlier lodged by the cousin of the petitioner against the informant and others of the Barharia P.S. Case no. 136 of 2022 registered for offences under Sections 447, 341, 323, 354, 379, 427 and 34 of I.P.C. this case was lodged five days earlier to the alleged occurrence. Learned counsel further submits that there is no specific allegation of assault against this petitioner who is merely stated to be an order giver. But, it is clear from the F.I.R. that the petitioner was not even present at the spot. Moreover, the stabbing was done by the co-accused. Charge sheet has been submitted in this case and the petitioner is in custody since 01.04.2022. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the earlier case of the petitioners along with the absence of any allegation of assault against this petitioner with



his period of custody and clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M III, Siwan, District-Siwan, in connection with Barharia P.S. Case No. 143 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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