

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48530 of 2021**

Arising Out of PS. Case No.-22 Year-2020 Thana- UCHKAGAON District- Gopalganj

SHIVPRASAD SAH S/o LATE TILAK SAH R/o VILLAGE-BRAHMAIN,
P.S-UNCHKAGAON, DISTRICT-GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Adv.

For the Opposite Party/s : Md. Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 07-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State, Md. Sufyan.

The petitioner seeks regular bail in connection with Unchkagaon P.S. Case No. 22 of 2020 registered for the offence punishable under Sections 302, 354(B), 201 and 34 of the Indian Penal Code.

The case of the prosecution, according to the informant, who is the wife of the deceased, is that in the morning of 24.1.2020, her brother-in-law, namely, Mantu Sah, had caught her hand with the wrong intentions of committing wrong with her,



however, somehow she could save herself and then, she had narrated the said occurrence to her husband when he had come home in the evening. On account of the said incident, altercation is stated to have taken place in between the informant, her husband and the accused persons. During the course of the said altercation, the accused persons had assaulted the deceased i.e. the husband of the informant resulting in his subsequent death. As far as the petitioner is concerned, he is stated to be the father of the deceased, aged about 82 years and it is alleged that he had helped the accused persons in wiping out the evidence and in the process had helped in cremating the dead body of the deceased.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 27.2.2021. The learned counsel for the petitioner has further submitted that similarly situated co-accused person, namely,



Nageshwar, has already been granted bail by a coordinate Bench of this Court vide order dated 9.3.2021 passed in Criminal Miscellaneous No. 39727 of 2020. It is further submitted that as far as the petitioner is concerned, there is no allegation of any sort of overt act having been indulged in by him qua the deceased.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a coordinate Bench of this Court, apart from the fact that the petitioner is not alleged to have engaged in any sort of overt act qua the deceased, he is having a clean antecedent and is languishing in custody since more than a year, I deem it fit and proper to direct for release



of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Uchakagaon P.S. Case No. 22 of 2020.

(Mohit Kumar Shah, J)

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