

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49625 of 2021**

Arising Out of PS. Case No.-92 Year-2019 Thana- GHORASAHAN District- East  
Champaran

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MADAN SAH Son of Late Saudagar Sah Resident of Village - Kaswa  
Kadamwa, P.S.- Ghorasahan, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anuj Kumar, Adv  
For the Opposite Party/s : Mr.Raj Kishore Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

6      05-04-2022                      Let the defects, as pointed out by the office, be  
  
removed within four weeks of starting of Court proceeding in  
  
physical mode in normal course.

Heard learned counsel for the petitioner and learned  
  
APP for the State.

Petitioner seeks bail in a case registered for the  
  
offences punishable under Sections 302, 120B/34 of the Indian  
  
Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is of firing though it  
  
did not hit anybody and firing made by the other two accused  
  
persons hit two persons, who after receiving injuries died on  
  
spot.

Learned counsel appearing for the petitioner submits



that earlier bail petition of the petitioner twice rejected by different Coordinate Benches of this Hon'ble Court in Cr. Misc. No.6714 of 2020 vide order dated 28.02.2020 and Cr. Misc. No.22212 of 2020 vide order dated 16.12.2020.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation of firing against all the four accused persons but postmortem report reveals that only one firearm injury was found on the deceased. He further submits that the informant is not the eye witness of the alleged occurrence and there is admitted land dispute is going on between the parties and similarly situated co-accused namely, Hiralal Prasad Yadav has been granted bail vide order dated 23.01.2020 in Cr. Misc. No. 82029 of 2019 by a Coordinate Bench of this Hon'ble Court and other co-accused persons have also been granted bail by different Coordinate Benches of this Hon'ble Court vide Annexure-3 Series and the petitioner is in custody since 17.10.2019.

Vide order dated 20.12.2021 a report was called for with regard to the stage of the trial. Report reveals that the charge has been framed and the case is pending for the



prosecution evidence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with S.Tr.No.161 of 2020 arising out of Ghorasahan P.S. Case No. 92 of 2019, with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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