

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51269 of 2021

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

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Awadhesh Sah S/O Rambilash Sah R/O Village-Kaswa Kadamwa, P.S.-
GHORASAHAN, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv
For the Opposite Party/s : Mr.Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 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.

The informant named Awdhesh Sah, Madan Sah,
Pradeep Sah and Suman Saurabh and alleged that they all came
on two motorcycles. They were armed with pistols. When his
younger brother Shambhu Prasad Rai came out from the Block
Office, Awdhesh Sah fired at him. Siyaram Mahto caught



Awdhesh Sah and put him on the ground. Madan Sah fired at Siyaram Mahto but the shot did not hit him. In the meantime, Suman Saurabh fired at the temple of Siyaram Mahto. Shambhu Prasad Rai and Siyaram Mahto died on the spot. The informant further alleged that after sometime, Hazari Lal Sah, Upendra Sah and Mishri Lal Sah came and they fired in the air and disclosed that Shambhua was killed.

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 and the petitioner is in custody since 11.09.2020.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioner and submits that the petitioner carries nine more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of the charges** 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 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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