

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42851 of 2022

Arising Out of PS. Case No.-653 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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RAJEEV SAH @ RAJIV SAH Son of Late Sundar Sah @ Sundar Sah
Resident of village - Ulao, Ward No.- 3, P.S.- Muffasil (Singhoul O.P.),
District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sandip Kumar Gautam
For the Informant/s	:	Mr. Ashok Kumar
For the State	:	Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-11-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Muffasil

P.S. Case No. 653 of 2020 registered for the offences punishable

under Sections 147, 148, 149, 341, 323, 324, 307, 302 of the

Indian Penal Code.

As per prosecution case, informant's brother Jai

Shankar Singh @ Gheto Singh who was the businessman of Seed

and Fertilizer went to house of Subodh Sah for demanding his due

money. It is further alleged that petitioner and others assaulted

informant's brother by means of rod, khanti on account of which



he died.

Learned counsel for the petitioner submits that petitioner is in custody since 04.05.2022. Petitioner bears no criminal antecedent. From the bare perusal of the FIR it is evident that there is no eye witness of the occurrence in the FIR and the informant has not stated anywhere that he was present at the place of occurrence and he has seen the real incident. Co-accused Suresh Shah, Bharosh Sah @ Ram Bharosh Sah, Subodh Sah @ Subodh Sahu and Shatrughan Sah @ Shatrudhan on similar allegation have already been granted bail vide Cr. Misc. No. 41596 of 2022, 34140 of 2021, 49762 of 2021 and 70740 of 2021 respectively by co-ordinate bench of this court and the case of present petitioner stands on similar footing. There is no specific allegation against the petitioner and the allegation against the petitioner is general and omnibus in nature.

The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused persons on similar allegation have already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the



petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 653 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or close relative or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the declaration made in Para 3 of the bail petition is found wrong his bail bond shall be cancelled by the learned trial court itself.

(Alok Kumar Pandey, J)

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