

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41596 of 2022

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

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SURESH 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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with Mufassil P.S.

Case No. 653 of 2020 registered for the offences punishable

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

Indian Penal Code.

As per the prosecution, the informant in his fardebayan

has alleged that the petitioner (Suresh Sah) with other co-

accused persons have murdered the informant's brother namely,

Jai Shankar Singh @ Ghetho Singh by means of Rod, Khanti etc

when the deceased had gone to the house of co-accused Subodh Sah for recovering his due money.

The main submissions advanced by learned counsel Shri Sandip Kumar Gautam appearing for the petitioner are that prior to the present occurrence one of the co-accused persons namely Subodh Kumar @ Subodh Sah, lodged Mufassil P.S. Case No. 652 of 2020 dated 22.12.2020 with the allegation that the wife of Subodh Kumar had sustained firearm injury at her mouth due to which she died at her house and as per the above mentioned FIR Subodh Kumar had seen Ghetho Singh fleeing away from his house having pistol in his hand but he caught hold of Ghetho Singh near the house of Shatrudhan Sah and in the meantime other local persons gathered there and the mob of twenty unknown accused persons assaulted Ghetho Singh by means of Lathi, Danda, Fists and Slaps due to which he sustained head injury and died ultimately, therefore, it is crystal clear that Ghetho Singh was assaulted by the mob of twenty unknown accused persons which resulted in his death and thereafter the present informant has lodged the false case and implicated this petitioner in the murder of Ghetho Singh. Further submission is that in view of the statement mentioned in Para 8 of the petition co-accused persons namely Subodh Sah @ Subodh Sahu @

Subodh Kumar and Shatrughan Sah @ Shatrudhan Sah have been granted bail by the co-ordinate Benches of this Court vide orders passed in Cr. Misc. No. 49762 of 2021 and 70740 of 2021 respectively and co-accused Bharosh Sah @ Ram Bharosh Sah carrying similar nature of allegation like the petitioner has been granted anticipatory bail by co-ordinate bench of this Court vide order passed in Cr. Misc. No. 34140 of 2021 and in the FIR there is no specific allegation against the petitioner who has clean antecedent and languishing in jail since 04.05.2022.

Shri Chandra Bhusan Prasad, learned APP appearing for the State has opposed the prayer for bail.

Having considered the defence taken by the petitioner discussed above and also the facts that any specific role of the petitioner in the alleged crime has not been revealed in the FIR, several persons are alleged to have committed the alleged murder of the informant's brother and similarly situated co-accused persons have been granted anticipatory and regular bail vide orders passed in above mentioned Criminal Miscellaneous Cases by co-ordinate Benches of this Court and the petitioner has clean antecedent, in the opinion of this Court the petitioner deserves to a lenient approach of this Court, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, in Mufassil P.S. Case No. 653 of 2020.

(Shailendra Singh, J.)

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