

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51859 of 2021**

Arising Out of PS. Case No.-32 Year-2020 Thana- INARWA District- West Champaran

KANHAIYA SAH Son of Late Sukai Sah Resident of Village - Barwa
Parsauni, P.S.- Inarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv

For the Opposite Party/s : Ms.Nirmala Kumari, APP

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

4 12-05-2022 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 offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302 of the IPC.

The accusation is that the sacks of wheat of Beera Patel was stolen by co-villager, Rajan Kumar and Rajesh Baitha, which was witnessed by the nephew of the informant, Reena Devi. On 24.04.2020, quarrel started in between the family of Beera Patel and Rajan Kumar then Rajan Kumar and Rajesh Baitha came in suspicion about the theft of sacks of



wheat, which was disclosed by the nephew of the informant. Thereafter, 16 persons named in the FIR including the petitioner having armed with lathi, danda, iron rod and Farsa came at the house of the informant and attacked. In that course, Baijnath Sah gave iron rod blow at the head her husband, Shiv Shankar Prasad, due to which, he fell down. Thereafter, Kanhaiya Sah gave iron rod blow at the forehead of her husband, who died at the spot.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the allegation against the petitioner is that he assaulted the deceased by iron rod on the head. He further submits that the specific allegation of assaulting the deceased by means of rod is attributed to co-accused-Baidyanath Sah and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.06.2020.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner and injury report also confirms the same.

Vide order dated 31.03.2022, a report was called for



with regard to the stage of the trial. Report reveals that the case is running for hearing on the point of framing of charge.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future.

Considering the aforesaid facts and period of custody, let the petitioner, above named, 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 learned Court below where the case is pending in connection with S.Tr. No.359 of 2020 arising out of Inarwa P.S. Case No. 32 of 2020, 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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