

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42389 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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SANDEEP KUMAR S/o Nagendra Sah, R/o village- Jalalpur Tatwa Tola,
P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Ms.Madhuri Lata

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 16-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

the learned counsel for the informant.

The petitioner is seeking regular bail in connection

with G.B. Nagar P.S. Case No. 172 of 2022 registered for

offence punishable under sections 341, 323, 324, 307, 302, 504,

506/34 of the Indian Penal Code.

There is an allegation on co-accused, Binod Sah that

he inflicted knife blows on the person of the informant and also

on the person of his uncle, Sipahi Yadav. Sipahi Yadav died

during the course of treatment. The allegation against the



petitioner and other co-accused persons is that they were instigating Binod Sah. The reason behind the occurrence is that co-accused, Binod Sah was demanding *Gutkha* and *Cigarette* from the uncle of the informant, to which he denied. Being infuriated, Binod Sah inflicted knife blows on his person as well as on the person of the informant.

The learned counsel for the petitioner has submitted that the main allegation of inflicting knife blows is on co-accused, Binod Sah and not on the petitioner, to which the learned counsel for the informant has replied that the independent witnesses have stated that the present petitioner and other accused persons caught hold the informant and Binod Sah inflicted knife blows.

The FIR shows itself that the informant has not stated that the petitioner and other co-accused persons caught hold the informant and Sipahi Yadav. The allegation of inflicting knife blows is only on Binod Sah and not on the petitioner. The petitioner is a person of clean antecedent and he is under custody since 01.07.2022.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of



the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan in connection with G.B. Nagar P.S. Case No. 172 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

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