

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57013 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- PALANWA District- East Champaran

1. Bechu Sah @ Bachu Sah @ Bachchu Sah Son of Jairam Sah Resident of Village- Parsauna Tapsi, P.S.- Palanwa, District- East Champaran.
2. Sukhadi Sah Son of Jairam Sah Resident of Village- Parsauna Tapsi, P.S.- Palanwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60672 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- PALANWA District- East Champaran

Nandu Sah Son of Devnarain Sah Resident of Village - Parsauna Tapsi, P.S.- Palanwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57013 of 2021)

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 60672 of 2021)

For the Petitioner/s : Mr. Ram Kishun Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 09-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsels for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with

Palanwa P.S. Case No. 90 of 2021 lodged under Sections 147, 148, 149, 341, 323, 324, 354 & 302 of the I.P.C.

As per the prosecution case, the informant has filed this case against 8 named accused persons that they all reached with *lathi danda* and iron rod in agricultural land of Nandu Sah and brutally assaulted the father of the informant. When the uncle and the mother of the informant reached there, they all assaulted to the mother of the informant also. Due to those assault, the father of the informant was referred to the hospital where his father died.

Learned counsels for the petitioners submit that petitioners are innocent and has committed no offence. He further submits that a Motihari Mahila P.S. Case No. 37 of 2021 was filed on 01.06.2021 against the informant's side and in retaliation thereof, the present case as well as the case annexed as Annexure-2 has been filed. Counsel further submits that petitioner no. 1 having clean antecedent whereas petitioner no. 2 has been made accused in false case and one case is pending against him. Learned counsel further submits that both the petitioners for first case are in custody since 03.06.2021. From the report received, it transpires that the charge has already been framed in this case.

Learned counsel for the petitioner of the second case submits that his antecedent is clean, save and except the Motihari Mahila P.S. Case No. 37 of 2021 in which he has been granted bail and this is the original case in retaliation of which the cases are going on between the parties. Counsel of the second case also raised one more point that the occurrence is alleged to take place on 24.05.2021, whereas F.I.R. has been lodged on 02.06.2021 that is delay of about 9 days.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. East Champaran, Motihari in connection with Palanwa P.S. Case No. 90 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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