

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59060 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- ANDHRATHARHI District- Madhubani

SANJAY KUMAR SAH @ SANJAY KUMAR SAHU Son of Shyam Sahu
Resident of Village- Mailam, P.S.- Andhratharhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar, APP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State and no one appears for the informant.

The petitioner seeks bail in connection with S.T. No.
166 of 2021 arising out of Andhratharhi P.S. Case No. 58 of
2020 instituted for the offences under Sections 341, 342, 323,
307, 504, 506, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 20.02.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant alleges that the petitioner along with
three co-accused persons attacked the house of the informant
and assaulted his father and son by *lathi* and *farsa* causing
injury on head of the father of the informant who died during



the course of treatment.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated and from perusal of the allegation it would manifest that the allegation of assault is general and omnibus, further there is no specific allegation alleging that a particular accused assaulted the father of the informant. It is further submitted that only one injury on the head of the deceased was found.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that though the allegations are general and omnibus in nature but then death is certainty and the father of the informant has died. It is further submitted that though the informant may not have alleged specifically as to which of the accused assaulted the father on head leading to his death but then for the present, for the purposes of bail, all the accused variously armed had come to the house of the informant and committed the occurrence leading to death, as such the petitioner do not deserve privilege of bail.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the bail application.

Permission is accorded with liberty to the petitioner to



renew his prayer for bail after framing of charge.

At this stage again, the learned counsel submits that the court in which the case is presently pending is vacant, as such it will be difficult for the petitioner to get his charges framed.

The petitioner has remedy available to him in accordance with law.

(Satyavrat Verma, J)

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