

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63381 of 2021

Arising Out of PS. Case No.-274 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

1. SHIVLAL SAH S/O LATE RAJENDRA SAH R/o village- Basantpur Chainpur, P.S.- Sahebganj, District- Muzaffarpur
2. Jiyalal Sah S/o Madan Sah R/o village- Basantpur Chainpur, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Nachiketa Jha

For the Opposite Party : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-04-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Sahebganj P.S. Case No. 274 of 2021, registered for the offence punishable under Sections 341, 323, 504, 506, 307/34 of the Indian Penal Code.

The petitioners are in custody since 06.07.2021.

Learned counsel appearing on behalf of the petitioners, drawing the Court's attention to the First Information Report, has submitted that there is specific allegation against co-accused Madan Sah and Nandan Sah of being armed with a sword and a dagger. There is no specific allegation so far as these petitioners are concerned that they



were also carrying any weapon, let alone deadly weapon. There is general and omnibus allegation against all the five persons including the petitioners of having assaulted the deceased. The deceased died 14 days after the alleged date of occurrence. He contends that a counter case has also been lodged on the same date in which the members of the prosecution have been made accused.

On perusal of the First Information Report, I find substance in the submission made on behalf of the petitioners that there is no allegation against them of being armed with weapon though such allegation is there against the other persons.

In the said background, in the Court's opinion, a case for grant of regular bail is made out. This application is accordingly allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, West Muzaffarpur, in Sahebganj P.S. Case No. 274 of 2021.

(Chakradhari Sharan Singh, J)

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