

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66507 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- JHANJHARPUR District- Madhubani

AJAY SAH @ AJAY KUMAR SAH Son of Shiv Sah Resident of Village-
Kanhauli, P.S.- Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Jhanjharpur P.S. Case No.03/2021 (G.R. No.19/2021)
instituted under Sections 337,448,341,323,354,302,504/34 of
the Indian Penal Code.

The allegation in the FIR by the informant is that one
Vijay Sah brutally assaulted her husband, namely Lalit Sah
causing his death. The further allegation is that the other
accused persons including the petitioner herein assaulted the
informant's son causing injury on his head. She has lastly
alleged when she came to their rescue, she was pulled by hair
and was also dragged. The injured husband was taken to the



Darbhanga Medical College Hospital from where he was shifted to Patna Medical College Hospital but he succumbed to his injuries.

Learned counsel for the petitioner submits that the specific allegation of assault and causing death to informant's husband is attributed to Vijay Sah. So far as this petitioner is concerned, an omnibus allegation has been made that he along with other co-accused has assaulted the son of the informant. He further submits that although there is allegation of causing injury to the informant's son, the same does not found mention during the course of the investigation or is part of the record.

In this case, case diary was called for. Learned APP has gone through the contents of the case diary and could not found the injury report so far as the informant's son is concerned.

Taking into account the aforesaid fact that the specific allegation is against Vijay Sah of assaulting her husband and so far as the allegation against the petitioner is concerned it is alleged that he has assaulted the son of the informant, is in custody since 27.03.2021 (as stated in para-20 of the bail application) as also the fact that he don't have any criminal antecedent, this Court is inclined to grant him privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Jhanjharpur P.S. Case No.03/2021 (G.R. No.19/2021) to the satisfaction of learned ACJM,Ind, Jhanjharpur, Madhubani, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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