

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67504 of 2021

Arising Out of PS. Case No.-175 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

1. SANTOSH SAH @ SANTOSH KUMAR GUPTA S/o Sri Yogendra Sah Resident of Gahmari, P.S.- Baikunthpur, District- Gopalganj.
2. Deepak Sah @ Deepak Kumar S/o Sri Yogendra Sah Resident of Gahmari, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agarwal, Sr. Advocate
	:	Mr.Binod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2022 Heard learned senior counsel for the petitioners and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned senior counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 09.06.2021 in marriage of Baijnath Sah's daughter, the guests had come and were staying in the middle school and were playing obscene songs on which the son of the informant objected and asked the accused to stop the songs on which it is alleged that all the accused persons



assaulted him and dashed him on the ground and Shailesh Sah stabbed the victim on his hip and accordingly, he was taken to Sadar Hospital from where he was referred to Gorakhpur but he died on the way near Tamkum.

Learned senior counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that though the petitioners are named in the F.I.R but no overt act has been alleged against them, it is next submitted that specific allegation of stabbing is against Shailesh Sah leading to death of the deceased on account of profuse bleeding when he was being taken to the hospital. It is further submitted by the learned counsel for the petitioners that since the petitioners were also there in the marriage party and hearing songs as such the informant out of anger also implicated them by alleging that the petitioners also assaulted his son, it is next submitted that the allegations are general and omnibus in nature as far as these petitioners are concerned.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned senior counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court



below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Baikunthpur P.S. Case No. 175 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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