

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.142 of 2022

Arising Out of PS. Case No.-214 Year-2021 Thana- BARAULI District- Gopalganj

Manoj Sah @ Manoj Kumar Son of Ramkumar Sah Resident of Village-
Bharkuia (Bhadkuiya), Ward No. 06, Police Station- Barauli, District -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Barauli P.S. Case No. 214 of 2021 lodged under Sections 302/34
of the I.P.C.

As per the prosecution case, the informant has
disclosed that on 15.07.2021, 5 named and 8-10 unknown
persons has reached on the shop of informant's husband and
started teasing him and subsequently assaulted him by lathi, iron
rod, etc. They all brutally assaulted the informant's husband due
to which he faint there. The informant immediately rushed for
his treatment but after few days i.e. 26.07.2021 husband of the
informant died thereafter, the present case has been filed.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Learned counsel submits that the date of occurrence is 15.07.2021 whereas the F.I.R. has been lodged on 27.07.2021 that is after death of her husband. Learned counsel further submits that antecedent of the petitioner is clean and he is in custody since 27.07.2021. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that it is a case of Section 302 of the I.P.C. and framing of charge is necessary.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge and Trial Court is directed to release him on bail thereafter imposing its own condition so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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