

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72366 of 2021

Arising Out of PS. Case No.-130 Year-2021 Thana- MANSI District- Khagaria

1. Bikash Sah @ Bikash Kumar Sah Son of Kirani Sah Resident of Village - Rohiyar, P.S.- Mansi, Distt.- Khagaria,
2. Chhotu Sah Son of Kirani Sah Resident of Village - Rohiyar, P.S.- Mansi, Distt.- Khagaria,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Ms. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 07-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Mansi P.S. Case No. 130 of 2021, registered for the offences punishable under Sections 341, 323, 506, 504, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story as emerging from the FIR is that there was exchange of firing between two parties in the village Bangalya.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated



in this case on account of local politics. He further submits that no injury has been caused in the alleged transaction and the petitioners have been languishing in jail since 09.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of either anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the Petitioner No.1, namely, Bikash Sah has earlier been made accused in four other cases, namely, Mansi P.S. Case No. 212 of 2013, Mansi P.S. Case No. 17 of 2015, Mansi P.S. Case No. 92 of 2019 and Mansi P.S. Case No. 201 of 2021 and Petitioner No. 2, namely, Chhotu Sah has earlier been made accused in two other cases, namely, Mansi P.S. Case No. 212 of 2013 and Mansi P.S. Case No. 17 of 2015.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail. However, he concedes that as per the case diary, there is no injury report and even the report received from the Superintendent of Police of the concerned district, no injury



has been caused to any person in the alleged transaction.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 130 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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