

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1606 of 2022

Arising Out of PS. Case No.-154 Year-2020 Thana- GWALPARA District- Madhepura

1. PRAYAG SAH S/o Sukdeo Sah Resident of Bisbari, Rahi Tola, Ward No. 01, P.S.- Gwalpara, District- Madhepura
2. Chhote Lal Sah S/o Govind Sah Resident of Bisbari, Rahi Tola, Ward No. 01, P.S.- Gwalpara, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeeb Kumar Sanju, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with
Gawalpara P.S. Case No. 154 of 2020 registered for the offence
under Sections 147, 148, 149, 323, 325, 504 and 506 of the
Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
petitioner no.1 is in custody since 28.08.2021 and petitioner
no.2 is in custody since 06.09.2021.

The allegation against the petitioners is to assault



upon the husband of the informant, causing injury by using like iron rod, lathi and also firearms.

Learned counsel appearing on behalf of the petitioners submitted that allegations as regard to assault is very much general and omnibus against the petitioners. It is submitted that series of litigations arises out of land disputes, are pending between the parties. It is also submitted that as injury found upon the injured, namely, Upendra Shah, is on non-vital part of the body which negate intention to cause death, where nothing to suggest that it was caused by firearms. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that allegation as regard to assault is very much general and omnibus against the petitioners, as per FIR.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is very much general and omnibus against the petitioners, where injury found on non vital part of the body, coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Gawalpara



P.S. Case No. 154 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Udakishanganj, Madhepura/concerned court, subject to the following conditions:

“(i) That petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(iii) That one of the bailors shall be Mukesh Kumar, who is the brother-in-law of the petitioner no.1 and no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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