

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17939 of 2023**

Arising Out of PS. Case No.-364 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Ram Sakal Sah @ Sakkal Sah S/O Late Saukhilal Sah R/o- Manikchowk
Uttari (Sripur), P.S.- Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.10.2022 in connection with Runnisaidpur P.S. Case No. 364
of 2020, F.I.R. dated 05.08.2020 for the offences punishable
under Sections 147, 148, 441, 323, 325, 341, 307, 302 and 504
of the Indian Penal Code.

According to prosecution case, the informant alleges
that on 15.08.2020, Sunil Kumar along with 15-20 accused
came to the house of the informant and alleged that they have
got his liquor seized, on which the brother of the informant
objected saying that they had no role in the seizure of liquor, on
which the accused persons brutally assaulted his brother,
nephew and bhabhi. It is further alleged that the brother died



during the course of treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt-act is attributed against the petitioner. He further submits that similarly situated, co-accused, namely, Sunil Kumar @ Sunil Sah has been granted bail by a co-ordinate Bench of this Court vide order dated 20.12.2022 passed in Cr. Misc. No. 25550 of 2022 and another co-accused namely, Sudhir Kumar @ Sudhir Sah has been granted bail by a coordinate Bench of this Hon'ble Court vide order dated 02.03.2022 passed in Cr. Misc. No. 57484 of 2021 and another co-accused namely, Sanjay Sah @ Sanjay Kumar, Rohit Kumar, Harishchandra Sah @ Harichandra Sah, Govind Sah @ Govind Kumar, Lal Babu Sah and Raju Sah @ Raju Kumar have been granted bail by a co-ordinate Bench of this Hon'ble Court vide orders dated 02.12.2021, 16.11.2021, 05.08.2021 and 13.07.2021 passed in Cr. Misc. No. 33923 of 2021, Cr. Misc. No. 9846 of 2021, Cr. Misc. 6414 of 2021 and Cr. Misc. No. 20384 of 2021. He further submits that the police



after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur P.S. Case No. 364 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court



below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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