

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21162 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- BANMANKHI District- Purnia

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BECHAN SAH Son of Late Kuldeo Sah R/o Vill - Bishanpur Dutt, Ward No. 01 Police station - Banmankhi and District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma, Sr. Adv.
		Mr.Sanjeev Verma, Adv.
For the Opposite Party/s :		Mr.Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 12-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Banmankhi P.S. Case No. 304/2021 registered for the offences punishable under Sections 147, 148, 149, 323, 504 and 302 of the Indian Penal Code, 1860.

As per prosecution case, petitioner and others are alleged to have assaulted the informant and his two brothers. During course of dispute the informant's younger brother Akash Kumar @ Laltu died and another brother Awadhesh Kumar sustained injury.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. There is case and counter case between the parties on the same date of occurrence. In this context, facts are generally exaggerated. No incriminating articles has been recovered from the possession of the petitioner. The petitioner is languishing in custody since 03.02.2022 and bears no criminal antecedent. He submits that (deceased) Akash Kumar @ Laltu was not assaulted by the petitioner, rather he sustained injury during course of attempting commission of rape upon the informant in Banmankhi P.S. Case No. 319/2021. As per FIR, it appears that allegations levelled against the petitioner are general and omnibus in nature and there is no specific overt-act attributed against the petitioner. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. From perusal of both cases, it appears that there is free fighting between the parties in which both the parties have suffered injuries. There is no intention to cause fatal injury for committing the murder.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



period of custody, there is no specific overtact against the petitioner, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 304/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner violates any of the conditions as



enumerated above, the learned trial court shall be at liberty to
cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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