

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21150 of 2022**

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

UMESH SAH Son of Bechan Sah R/O Vill.- Bishanpur Dutt, Ward No.- 01,  
P.S.- Banmankhi and District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Verma, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      19-01-2023      Heard the learned counsel for the petitioner  
and the learned APP for the State.

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

The case of the prosecution, according to the informant, is that on 23.9.2021 at about 8:45 in the night, the younger brother of the informant had gone in front of the house of the neighbour of the informant, namely, Bechan Sah, while talking on his mobile phone, where the accused persons including the petitioner herein had surrounded



him and had assaulted him, whereupon the brother of the informant had raised an alarm, leading to the informant and his younger brother having gone to the said place of occurrence. It is further alleged that in the meantime, some other accused persons had also arrived there and then they had also assaulted the informant and his brother Awadhesh Kumar and Akash Kumar, resulting in the subsequent death of the said Akash Kumar on account of being injured seriously.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 17.01.2022. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner and he has not been stated to have engaged in any specific overt act qua the deceased. It is also submitted that similarly situated co-accused persons have



already been granted bail by coordinate Benches of this Court, vide order dated 12.1.2023, passed in Criminal Miscellaneous No. 21162 of 2022 and Criminal Miscellaneous No. 24543 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted Bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged 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 of 2021.

(Mohit Kumar Shah, J)

Ajay/-

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