

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26399 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- CHACKMEHSI District- Samastipur

RAM KUMAR SAH @ GULAB SAH SON OF SRI BAIJU SAH R/O
VILLAGE- BAKHTIYARPUR, P.S.- CHAKMESI, DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Anu Priyadarshni, Adv.
For the State	:	Mr. Rajendra Singh, APP
For the Informant	:	Mr. Dipak Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that the five named accused persons including the petitioner herein came variously armed. On the orders of Ramdev Sah, the accused persons started to assault the members of the informant's family. It is further stated that they poured petrol on the brother of the informant and Arjun Sah lit it up as a result of which he got burn injury and is being treated at Burn Ward, SKMCH, Muzaffarpur.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. Besides being named in the F.I.R., no other overt act has been alleged against him. The allegations are general and omnibus in nature. The petitioner is in custody since 4.3.2022 and has no criminal antecedent.

The application for bail is opposed by the learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that besides being named in the F.I.R., there is allegation against the petitioner and others of having poured petrol and of having burnt the brother of the informant who is undergoing treatment at the Burn Ward of the SKMCH, Muzaffarpur. It is further submitted that there is suppression of fact on behalf of the petitioner in so far as the four criminal antecedents of the petitioner have not been stated in this petition.

In reply, it is submitted by learned counsel for the petitioner that non-statement of the antecedents in paragraph no.3 was a bonafide error which was corrected by filing a supplementary affidavit on 14.10.2022 itself.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R. together with the petitioner having



remained in custody since 4.3.2022, chargesheet having been submitted in the case and not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Chakmehsi P.S. Case no.76 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur.

(Partha Sarthy, J)

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