

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27944 of 2023**

Arising Out of PS. Case No.-251 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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CHHOTU SAH @ CHHOTU KUMAR S/o- SUDIN SAH VILLAGE
BAKHADDA PS SAHEBPUR KAMAL DISTRICT BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Pranav Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-05-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant
of regular bail in connection with S.T. No. 1034 of 2022 arising
out of Sahebpur Kamal P.S. Case No. 251 of 2021 dated
2.10.2021 registered for the offences punishable u/s 147, 148,
149, 302, 120(B) of the Indian Penal Code.

As per the prosecution case, the petitioner along with
other co-accused persons surrounded the son of the informant
and assaulted with lathi, bricks, danda and pistol in the alley



beside the shop. The co-accused Sohan Sah hit the informant's son on his head with the pistol. Consequently, the the son of the informant died.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. The specific allegation of assault with khanti is against the co-accused Sohan Sah. The co-accused Pawan Sah has already been granted bail by the Coordinate Bench of this Court vide order dated 22.5.2023 passed in Cr. Misc. No. 24566 of 2023. The petitioner has got clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.3.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai in connection with S.Tr. No. 1034 of



2022 arising out of Sahebpur Kamal P.S. Case No. 251 of 2021.

The application stands allowed.

Ajay Singh/-

(Chandra Prakash Singh, J)

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