

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32571 of 2022

Arising Out of PS. Case No.-547 Year-2020 Thana- SUGAULI District- East Champaran

BHUTAN SAH @ LUTAN SAH, S/O VIKRAM SAH, R/o village- Sripur
Bhatwaliya, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 08-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Sugauli P.S.
Case No. 547 of 2020 registered for the offence punishable under
Sections 147, 149, 341, 323, 324, 307, 379, 504 and 506 of the
Indian Penal Code and subsequently Section 302 of the Indian Penal
Code was added.

The prosecution case alleges assault to one Jitendra Sah
and Shukli Devi by means of axe, *lathi* and *garasi*, due to which
Jitendra Sah succumbed to the injuries.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. He further submits
that there is general and omnibus allegation of assault against the
petitioner and there is no injury reported on the person of injured
Shukli Devi. According to postmortem report, only one lacerated
wound on head was found while six accused persons have allegedly



assaulted him. The petitioner, having no antecedents, has remained in custody since 12.01.2022. Moreover, investigation is also complete. Other co-accused persons have been allowed anticipatory bail in *Cr. Misc. Nos. 35313 of 2021* and *Cr. Misc. No. 45034 of 2021*.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, clean antecedents and period of custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Sugauli P. S. Case No. 547 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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