

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41645 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- SALAKHUA District- Saharsa

KAILASH SAH S/O LATE NARAYAN SAH Resident of village- Kabira
P.S.- Salkhua (Chireya OP) and District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Salkhua P.S. Case No. 168 of 2021
for the offence registered under Sections 341, 323,
307, 379/34 and 302 of the Indian Penal Code.

The accused persons including the
petitioner numbering 10 in all had assaulted the
informant with *lathi* resulting in his death
subsequently.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has
been falsely implicated in the present case, is



having a clean antecedent and he is languishing in custody since 27.10.2021. It is further submitted by the learned counsel for the petitioner that a general and omnibus allegation has been levelled not only against the male accused persons but also against two female accused persons, who have already been granted anticipatory bail by a Co-ordinate Bench of this Court.

Per contra, the learned A.P.P. 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 available on record as also those contained in the case dairy, this Court finds that a general and omnibus allegation has been levelled against all the 10 accused persons and as far as the petitioner is concerned, there is no allegation of him having engaged in any specific overt act, hence considering the fact that the petitioner is languishing in custody since 27.10.2021 and is



having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 Additional Chief Judicial Magistrate-IV, Saharsa in connection with Salkhua P.S. Case No. 168 of 2021.

(Mohit Kumar Shah, J)

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