

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48715 of 2023

Arising Out of PS. Case No.-254 Year-2022 Thana- JADIA District- Supaul

RAJO SAH S/O LATE SUKHDEO SAH R/O Village- Hirapatty, Ward No.
12, P.S- Jadia, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 302, 120(B), 504, 506/34 of the Indian Penal Code.

3. As per allegation in the FIR, the petitioner is specifically alleged to have been assaulted the husband of the informant by means of bamboo due to which the informant's husband succumbed to injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. There is land dispute between the parties due to which the petitioner has falsely been implicated in this case. From perusal of FIR



and case diary, it appears that there is major contradiction between the version of FIR and restatement of the informant as the informant specifically alleged in FIR that the petitioner assaulted the deceased by means of bamboo whereas, she converted the story and stated in her restatement vide para-4 of the case diary that co-accused Jay Kumar Sah assaulted the deceased by means of bamboo. The converted statement of the informant creates doubt on the prosecution. It is also submitted that the doctor has not ascertained the cause of death of the deceased which is mentioned vide para-30 of the case diary. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, he is languishing in judicial custody since 27.9.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jadiya P.S. Case No. 254 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge 1st Supaul.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

