

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52954 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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VIJAY SAH SON OF GANGA SAH RESIDENT OF VILLAGE -
SAIDNAGAR, P.S. - MUFFASIL, DISTRICT - EAST CHAMPARAN,
MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Rina Sinha

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

ORAL ORDER

- 2 24-08-2023 1. 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.
2. Heard learned counsel for the petitioner and learned A.P.P. for the State.
3. The petitioner has preferred this application for grant of regular bail in connection with Muffasil P.S. Case No. 174 of 2023 dated 28.02.2023 registered for the offences punishable u/ss 147,149, 341, 323, 307, 302, 379 and 452 of the Indian Penal Code.
4. As per the prosecution case, all the FIR named accused persons including this petitioner and 5-6 unknown



miscreants are alleged to have entered the house of the informant. On being objected, the co-accused Pramod assaulted on the informant's head with iron rod which hit his lip causing cut injury. When his grandmother came to rescue, she was assaulted on the back of her head with butt of three knot by the co-accused persons, Karan Paswan, Raushan Kumar and Bipin Paswan due to which she sustained head injury and as a result of which she died during treatment. It is further alleged that the accused Aditya Paswan looted ornaments worth Rs. 1,50,000/- and Rs. 30,000/- in cash. The co-accused Bipin Paswan also snatched Rs. 22,000/- from the informant. On seeing the villagers, all the accused persons fled away.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He further submitted that the specific allegation is against the co-accused Pramod Paswan of assaulting the informant with iron rod, so far as this petitioner is concerned, there is general and omnibus allegation against him. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is accused in two other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 01.03.2023.



6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. 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, Motihari, East Champaran in connection with Muffasil P.S. Case No. 174 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Alok Verma/-

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